

joint resolution 377, relative to shipment of munitions of war; to the Committee on Foreign Affairs.

By Mr. WALLIN: Petition of sundry citizens of the thirtieth congressional district of New York, favoring embargo on shipment of arms from the United States to warring nations; to the Committee on Foreign Affairs.

Also, petition of sundry citizens of Amsterdam, N. Y., favoring passage of Senate bill 3672, for the improvement of the Harlem River; to the Committee on Rivers and Harbors.

## SENATE.

THURSDAY, January 14, 1915.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we desire to begin the work of this new legislative day with the thought of God in our hearts and minds, remembering as we face the issues of life that at last we face Thy law, Thy purpose, and Thy rule. Thou art the judge of all men. To Thee alone can we look for the permanency of our institutions and for the continuance of our freedom. All the blessings and all the prosperity of our national life have come from the bounty of Thy care and Thy love. Thou hast not dealt with us after our sins. Thou hast not rewarded us according to our transgressions. The measure of Thy gift has been Thine own grace. We pray that Thy grace may still be extended to us and Thy guidance, that we may be blessed as a Nation and fulfill the divine purpose in us as a people. For Christ's sake. Amen.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Goff	O'Gorman	Smith, Md.
Brady	Gronna	Oliver	Smoot
Brandegree	Hardwick	Overman	Stephenson
Bryan	Hitchcock	Page	Sterling
Burleigh	Hollis	Perkins	Sutherland
Burton	James	Pittman	Swanson
Camden	Johnson	Randsell	Thomas
Chamberlain	Jones	Reed	Thompson
Chilton	Kenyon	Robinson	Thornton
Clapp	Kern	Root	Townsend
Clark, Wyo.	La Follette	Shafroth	Vardaman
Crawford	Lane	Sheppard	Walsh
Culberson	Lea, Tenn.	Sherman	White
Cummins	Lee, Md.	Shields	Williams
Dillingham	Martine, N. J.	Shively	Works
Fletcher	Nelson	Simmons	
Gallinger	Norris	Smith, Ga.	

Mr. CLARK of Wyoming. I desire to announce the unavoidable absence of my colleague [Mr. WARREN]. I will allow this announcement to stand for the day.

Mr. CHILTON. I wish to announce the absence of the Senator from New Mexico [Mr. FALL] on account of serious illness in his family. I will let this announcement stand for the day.

The VICE PRESIDENT. Sixty-six Senators have answered to the roll call. There is a quorum present. The Secretary will read the Journal of the proceedings of the preceding session.

The Journal of yesterday's proceedings was read and approved.

### SECRETARY M'ADOO'S SPEECH AT CHICAGO.

Mr. JAMES. I ask unanimous consent to have printed in the RECORD the speech delivered by Secretary McAdoo before the commercial club at Chicago, January 9, 1915, on the shipping bill as a means for the creation of an American merchant marine.

The VICE PRESIDENT. The Chair will state for the information of the Senator from Kentucky that he is informed that that speech has already been printed.

Mr. JAMES. I think it was made a public document, but it has not been printed in the RECORD.

Mr. FLETCHER. I think it was made a public document.

Mr. SMOOT. If it has been printed as a public document, then I object to having it printed in the RECORD.

Mr. JAMES. I hope the Senator from Utah will not enter an objection to its being printed in the RECORD. In that way it would be read by many people who will not have an opportunity to secure the public document.

Mr. SMOOT. I have no objection at all, nor did I have any objection to printing it in the RECORD in the first place or printing it as a public document, but I do have an objection to printing it both in the RECORD and as a public document, because that has not been the policy in the past.

Mr. JAMES. That is a very unusual objection.

Mr. SMOOT. Not at all. It is a usual objection.

Mr. JAMES. I do not see what objection the Senator from Utah could have to a speech delivered by the Secretary of the Treasury upon such an important subject being published in the CONGRESSIONAL RECORD.

Mr. SMOOT. I have no objection to having it published in the CONGRESSIONAL RECORD.

Mr. JAMES. Then let the Senator withdraw his objection. I thought the Senator objected.

Mr. SMOOT. But I do have an objection to having it printed in the RECORD and also as a public document.

Mr. JAMES. I did not ask to have it printed as a public document. I do think it should be printed in the CONGRESSIONAL RECORD.

Mr. SMOOT. It does not make any difference whether the Senator asked for it or not, it has been printed as a document.

Mr. JAMES. The Senator knows, of course, that it will be seen by vastly more people if printed in the RECORD than if published as a document and put in the document room.

Mr. SMOOT. I doubt if anybody is interested in having this speech printed in the RECORD. If printed as a document it can be circulated throughout the country. I have always found in the past the best way to get any speech before the people is to have it printed as a public document.

Mr. JAMES. I have heretofore given my consent to the publication of all sorts of speeches in the CONGRESSIONAL RECORD. The other day the Senator from Massachusetts [Mr. LODGE] asked for the publication in the CONGRESSIONAL RECORD of an article written by ex-President Roosevelt, and no objection was interposed. But if the rule that is to be adopted in the Senate is that when the Secretary of the Treasury, one of the highest Cabinet officers, has delivered an address on an important subject, it is to be denied to the people of the United States the opportunity to read it in the RECORD, then, of course, I shall exercise the right I have to object to printing in the RECORD speeches delivered by members of the party of the gentlemen upon the other side.

Mr. SMOOT. I wish to say that if the Senator from Massachusetts had asked that the article referred to be printed as a public document and also in the RECORD, I would have objected at that time. I recognize, of course, that this speech can be read into the RECORD and I would have no objection to that course being taken, but I want to say to the Senator from Kentucky that I am not objecting because he has requested it. This objection has been made hundreds of times upon the floor of the Senate, and it has been the rule not only of the Senate but of the House that any speech or any publication if printed as a public document is not to be printed in the RECORD, and if printed in the RECORD it is not to be printed as a public document; and that is a good rule.

Mr. JAMES. Is that the rule the Senator has applied all along to the utterances of Cabinet officers?

Mr. SMOOT. I think so, Mr. President.

Mr. JAMES. I think the Senator is mistaken. I think we have not only printed as a public document but published in the RECORD many speeches delivered by distinguished Republicans. Of course if the Senator wants to take the position that he is going to object to this particular speech because it was delivered by the Secretary of the Treasury upon this particular subject, he can do so.

Mr. SMOOT. I resent the insinuation of the Senator that I am objecting to this speech going into the RECORD because it was delivered by the Secretary of the Treasury or because it was an address on a particular subject. That is the farthest thing from my mind. I will appeal to all Senators here on the floor if I have not objected to hundreds of such requests. I think it is perfectly proper to make the objection.

Mr. CHILTON. I wish to say that the Senator from Utah has usually objected, but he has sometimes withdrawn his objection. At this session I recall that he made the same objection to the printing of the speech of the President of the United States. I do not know why he did it, but he withdrew that objection, and it was printed in the RECORD and also printed as a public document.

Mr. SMOOT. If it is to be the policy of the Senate—

Mr. SHAFROTH. I should like to call the attention of the Senator from Utah to the fact that the Senator from Kentucky has a perfect right to read the speech into the RECORD.

Mr. SMOOT. I have already stated that.

Mr. JAMES. I understand that, of course, the Senator wants me to take up the time of the Senate. I am perfectly aware of the purpose of the Senator along that line. It does not have to be diagrammed to me.

Mr. President, I move that the speech be printed in the Record.

Mr. SMOOT. Before that motion is considered, although I doubt whether under the rule it can be entertained, I want to say that if the Senate of the United States desires to have a policy established now that we shall print speeches or documents or publications of any kind both in the Record and as a public document I shall never object at all in the future. But I do not know where it is going to end, nor do I know what expense will be attached to it.

Mr. SHAFROTH. I suggest to the Senator from Utah that he might draw the line and say that he would object to all except speeches of Cabinet officers.

Mr. SMOOT. Will the Senator from Colorado support that position?

Mr. SHAFROTH. I think so. I think a Cabinet officer ought to have a right to have any document that he desires printed in the CONGRESSIONAL RECORD. You might limit the number if you are afraid the CONGRESSIONAL RECORD will be lumbered up with a great many things.

Mr. SMOOT. I am perfectly willing to have them in the Record; I have no objection to that at all; but the only objection I have is to have them in the Record and then also as a public document.

Mr. REED. Mr. President, if there is going to be given consent to an arrangement made here between these eminent Members of this body as to what is to go into the Record I wish to point to a distinction which I think ought to be observed in making that agreement. A Cabinet officer sends an official communication to Congress and is probably entitled to have it printed in the Record if we see fit to put it there, but I do not think that everything a Cabinet officer may say at any time or place and every speech he may make necessarily belongs in the Record. I am in entire sympathy with the desire of the Senator from Kentucky to put this particular document in the Record because it relates to a public bill that is now under consideration here and is undoubtedly an illuminating proposition.

Mr. JAMES. Mr. President, this is not the desire of the Secretary of the Treasury. I have not spoken to him about it. I know nothing of his desire in reference to the matter. It is my own desire.

I think it is a very great speech, and I think it ought to be printed in the Record so that Senators may have the opportunity of reading it and so that their constituents also may have the opportunity of reading it. It is a new thing to me that an objection of this character should be interposed to the printing of such a speech in the Record, when it relates to legislation now pending. For that reason I made the motion that the speech be printed in the Record.

Mr. FLETCHER. Mr. President, I desire to say just a word in this connection. It was on my motion that the speech was ordered to be made a public document. I had the impression that it would perhaps be more largely read in that form than it would be if printed in the CONGRESSIONAL RECORD. The CONGRESSIONAL RECORD has a very large circulation, but as to the number of readers of the CONGRESSIONAL RECORD views may differ. My own experience has been that the Record goes to a great many people who throw it into the wastebasket.

I do not favor making any hard-and-fast rule here at this time in reference to the matter. I recognize the position which the Senator from Utah [Mr. Smoot] takes, and it has been the practice heretofore to raise objections of the kind now urged by him, but there are circumstances which ought to change that situation, and this is one of those peculiar circumstances. Here is an important measure which has been introduced; there has been some discussion of it—not very much as yet because of the interference of other bills, but there will be further discussion—and the Secretary of the Treasury, who has taken much interest in the matter, has delivered an address upon this particular phase of the subject now pending in the Senate. It is a very illuminating and instructive address, and it presents the matter from his viewpoint, which the other side are entitled to know and of which this side ought to have the benefit. This is, in my judgment, an instance where an address of this sort ought to go into the Record, not so much for its circulation outside, perhaps, as because of its being thereby made available to each and every Member of the Senate. It is for that reason that I ask the Senator from Utah under these circumstances to waive his objection.

Mr. SMOOT. Mr. President, I may be foolish in trying to protect the Treasury of the United States against the absolute waste of the people's money in the printing of documents of all kinds. I do not say that it would be a waste in this particular case, and I have not the slightest objection to the address being circulated as widely as possible, but I believe there should be

a limit to all things, and I have in the past tried to limit the printing in every way and in every form of speeches delivered in any and every part of the United States.

Mr. President, I suppose this matter has led to enough discussion now to more than offset the amount which would be saved if the address were not printed in the Record; and upon the request of the chairman of the Committee on Printing, which I should dislike to refuse, I shall withdraw the objection, but I do so with the distinct understanding that I am opposed to any speech delivered anywhere—I do not care where—being printed both in the CONGRESSIONAL RECORD and as a public document at the expense of the Government.

Mr. SMITH of Georgia. Mr. President, I desire to say that the only reason I also do not object is that the subject dealt with in the address is immediately before the Senate; it is one that we are to consider and are considering as the unfinished business of the Senate, and I think to print the address in the Record is the best place to put it for the use of the body.

The VICE PRESIDENT. In the absence of objection, the address will be printed in the Record.

The address is as follows:

SPEECH DELIVERED BY SECRETARY MCADOO BEFORE THE COMMERCIAL CLUE AT CHICAGO ON THE SHIPPING BILL AS A MEANS FOR THE CREATION OF AN AMERICAN MERCHANT MARINE, ON THE EVENING OF SATURDAY, JANUARY 9, 1915.

"Since 1880 Democratic and Republican national platforms alike have declared from time to time in favor of an American merchant marine. During the whole of this period of 34 years political leaders of all parties and business men of every kind of political faith have recognized the necessity for a merchant marine under the American flag if our commerce is to expand and the American people are to have a fair share of the world's trade.

"The Democratic national platform of 1912 contains the following:

"We believe in fostering, by constitutional regulation of commerce, the growth of a merchant marine which shall develop and strengthen the commercial ties which bind us to our sister Republics of the south, but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury.

"A similar declaration is found in the Democratic national platforms of 1880, 1884, 1904, and 1908.

"The Republican national platforms of 1884, 1892, 1896, 1900, 1904, 1908, and 1912 contain declarations in favor of building up an American merchant marine, that of 1912 being as follows:

"We believe that one of the country's most urgent needs is a revived merchant marine. There should be American ships, and plenty of them, to make use of the great American oceanic canal now nearing completion.

"The Progressive Party made no specific declaration in favor of a merchant marine, but did declare strongly in favor of extending our foreign commerce, as shown by the following quotation from its platform of 1912:

"The time has come when the Federal Government should cooperate with manufacturers and producers in extending our foreign commerce. To this end we demand adequate appropriations by Congress and the appointment of diplomatic and consular officers solely with a view to their special fitness and worth, and not in consideration of political expediency.

"It is imperative to the welfare of our people that we enlarge and extend our foreign commerce. We are preeminently fitted to do this because, as a people, we have developed high skill in the art of manufacturing, our business men are strong executives, strong organizers. In every way possible our Federal Government should cooperate in this important matter.

"These unequivocal declarations show conclusively that the creation of an American merchant marine is not a partisan question, but a vital policy of national importance upon which all parties have long been in agreement. Like the currency question, it has been talked about interminably, but unlike the currency question it remains to be solved.

"While both of the leading political parties are culpable for the plight in which our foreign trade now finds itself because of their failure to create, as promised, an American merchant marine, the Republican Party is the more culpable, because it has had complete power to legislate during a large part of the last 20 years when it controlled the executive and legislative branches of the Government and yet did nothing. The Democratic Party now has power to legislate, and it will be equally culpable if it fails to act. It will be even more culpable, if it does nothing, since the emergency created by the European war has emphasized, as nothing else could have done, the supreme folly of subjecting the foreign commerce of this great Nation to the hazards of ocean transportation under the flags of nations now engaged in the most gigantic war of all time. Regardless of these hazards, it is an even greater folly, from an economic point of view, to continue deliberately the policy of trying to build up a great foreign trade by leaving to our rivals the control of the vitally important instrumentalities of ocean transportation. So



long as our competitors own the ships, they make the rates, they control the service, and they determine the routes. With this power it is easy to favor their own commerce and discriminate against ours.

"One of the most significant utterances on this point is contained in the Republican national platform of 1900:

"Our present dependence upon foreign shipping for nine-tenths of our foreign carrying trade is a great loss to the industry of this country. It is also a serious danger to our trade, for its sudden withdrawal in the event of European war would seriously cripple our expanding foreign commerce. The national defense and naval efficiency of this country, moreover, supply a compelling reason for legislation which will enable us to recover our former place among the trade-carrying fleets of the world.

"The man who wrote that had the power of a seer and the vision of a statesman, because what is there advocated is irrefutably sound, and what is there predicted is exactly what has happened—a European war has caused the 'sudden withdrawal' of a large part of the foreign vessels upon which our foreign trade is dependent, and has seriously crippled 'our expanding foreign commerce.'

"It is necessary only to give a few figures to show how conclusively this is true.

"At the outbreak of the European war in August last, the total amount of gross steam tonnage of all the nations of the world was, in round numbers, 45,400,000. Of this approximately one-half is under the British flag. The largest part of the American tonnage is employed in the lake and coastwise trade and is not suitable for over-seas service. We have but 15 vessels of 1,000 net tons and over, regularly engaged in the trans-Atlantic and trans-Pacific trade. They aggregate 164,546 gross tons, and represent about one-third of 1 per cent of the world's gross tonnage. Our total gross steam tonnage, registered for the foreign trade, including everything under and over 1,000 tons, and including all steam vessels admitted to American registry since the war broke out, is only 1,061,676 tons, or little more than 2 per cent of the world's gross tonnage.

"Since the outbreak of the European war reliable estimates show that 5,803,014 gross tons of ocean-going vessels have been withdrawn from commercial use, as shown by the following table:

	Tons.
German and Austrian.....	3,507,331
British vessels taken under Government charter.....	1,700,000
British vessels destroyed or seized by Germany.....	265,000
Vessels lost by mines.....	330,683
Total.....	5,803,014

"Prior to the war a large part of our foreign trade was carried in German bottoms, but since they have been withdrawn from the seas we are almost wholly dependent for the transportation of our foreign commerce upon the English flag. This commerce by sea for the 12 months ended June 30, 1914, aggregated the enormous total of \$3,785,500,000. So long as England commands the sea our commerce will not be stopped. But who can foretell the eventualities of a great war? It is conceivable that a daring German squadron might get into the Atlantic and play havoc with our commerce in British bottoms. No one can tell how long the war will last, and every day that it continues our foreign trade is subject to its vicissitudes and dangers. Is it fair to our producers, our merchants, and our manufacturers to force such risks upon them? Are we justified in putting the prosperity of our country in needless jeopardy? Aside from this, our trade with some of the belligerent countries is practically destroyed for lack of American ships to carry noncontraband articles to them and to bring back noncontraband articles to us—articles sorely needed in the pursuits of peaceful industry and science. Notably is this true of cotton, which is urgently needed by Germany, Austria, and other countries. But we haven't the American ships. The wants of these countries can not, therefore, be supplied nor can the necessities of our own distressed people in the South be relieved. Neutral flags can not be depended upon for this service. They can not get the necessary war-risk insurance. While Congress has established a War Risk Insurance Bureau in the Treasury Department, we can not, of course, insure ships not under the American flag.

"But this is not all. The withdrawal of the large amount of tonnage—13 per cent of the world's total supply—has created a great scarcity of vessels, with an unprecedented rise in ocean freight rates.

"From every Atlantic and Gulf port there comes the cry of scarcity of ships and exorbitant rates. Let me cite a few conspicuous instances. In July last the rate on grain from New York to English ports was 4 to 5 cents per bushel. In December it was 16 to 17 cents per bushel—an increase of about 300 per cent. To Rotterdam the rate was 6½ cents per bushel.

In December it was 30½ cents per bushel, an increase of about 400 per cent. The rate on cotton from New York to Liverpool in July last was 20 cents per hundredweight. In December it was 75 cents per hundredweight, an increase of 275 per cent. The rates on cotton to Rotterdam have increased from \$1 to \$5 per bale, or 400 per cent. In July last the rate on cotton to Bremen was \$1 per bale. In December it was \$15 per bale, or 3 cents per pound of cotton.

"On all commodities there have been increases in rates of from 50 to 300 per cent, whether destined for English, European, or Mediterranean ports. I will not multiply instances nor weary you with statistics.

"These enormous increases in rates constitute a heavy tax on the American producer. They are reflected in the lessened prices which he has been compelled to take for his product. The increased cost of carrying American produce and commodities to European ports since the war broke out runs into millions.

"This great sum represents a heavy toll that has been exacted by foreign steamship owners from American shippers and producers. It is, in effect, a penalty they are paying for the failure of American politicians to carry out their repeated promises to the American people. Foreign owners may increase their rates overnight arbitrarily—we have no power to prevent it—and we must pay the price or stop our shipments. Already our commerce is being injured and our prosperity is being retarded by the relentless hand of tribute which lies heavily upon it, and which will lie more heavily upon it with each day that passes, because ocean freight rates are still rising.

"Let me read from a few letters from actual shippers in various parts of the country:

"MEMPHIS, TENN., December 7, 1914.

"SECRETARY OF THE TREASURY,  
Washington, D. C.

"DEAR SIR: I have on my desk several very important inquiries for cotton for Germany, and feel satisfied that at least a million bales of cotton could be sold to Germany and Austria at once, if freight room at a reasonable price could be secured, and, above all, that the 'war risk' would cover the shipments absolutely.

"Now, can not you find a way for the Government to furnish us ships and guarantee the delivery of the cotton either at Gothenburg, Rotterdam, or Copenhagen? The importance of this move you can realize in a moment when you think that every bale of cotton that is held over and not spun becomes a weight on the market and reduces the chances of an advance later on that much. You can not grind the mill with the water that has passed, and when a spindle stops operating and the cotton is not being used it becomes a dead-weight on the market. It matters not how much you advance against it.

"Now, what we want is open markets and a chance to ship out cotton. If this can be done, the cotton pool will only be used limitedly. The rate from New Orleans to-day to Gothenburg is \$1.50 per hundredweight, and to Rotterdam \$2. This is three and four times the regular rate. Suppose a rate of \$1 was effected, and with a 'war risk' of not over 50 cents per bale, this would enable you at once to take a million bales of cotton off of the market. Can't you suggest some outlet for these conditions?

"A steamship loaded with 10,000 bales of cotton at \$3 per hundredweight, or \$15 per bale, realizes, gross, \$150,000 for the cargo, when the vessel itself is not worth exceeding \$125,000. For such conditions there certainly should be some remedy.

"Yours, very truly,

"JOSEPH NEWBURGER.

"PENSACOLA, FLA., December 12, 1914.

"Senator D. U. FLETCHER,  
Washington, D. C.

"DEAR SENATOR: We here do not know whether to be amused or disgusted in regard to interviews given out by prominent gentlemen who should know better as to the great number of ships available for carrying freight and the ease in obtaining them.

"If some of the gentlemen who talk this way would come down to this coast and see how our business is hampered by inability to get bottoms and the extraordinary freight rates charged, they might change their minds as to the abundance of vessels available. The fact is that freights are almost at a prohibitive figure, and vessels can hardly be obtained, even at the piratical prices asked.

"Congress will be doing a great service for this coast if they can find some effective means of remedying this serious situation.

"Very truly, yours,

"C. E. DONSON,  
President Chamber of Commerce.

"The following is taken from a letter of E. J. Glenny, president of the New Orleans Cotton Exchange, dated December 12, 1914:

"It has been a great problem with the cotton trade this season to obtain tonnage for cotton, the necessity for freight room for grain being greater than heretofore and the amount of tonnage available being smaller. The ship agents are compelled to pay \$10 to \$10.50 per ton of 2,240 pounds upon the dead-weight capacity of the vessel for cargo, as against \$2.50 to \$3 before the declaration of war."

"The following is from the Schuler Cooperage Co., of Jacksonville, Fla., under date of December 22, 1914:

"We are shippers of barrel headings from Savannah to Liverpool, and the established ocean rate was from 23 to 25 cents per hundred pounds. The first available space that we were able to obtain after August 1 was the latter part of October, at which time we were advised that the rate had been advanced to 30 cents. At the present the rate is 45 cents, or an advance of about 96 per cent.

"This rate will prevent our making future shipments, hence we will be compelled to forego taking additional orders until after the normal rates are restored.

"The following is from Coraelius Kahlen, exporter, of 349 Broadway, New York, dated December 22, 1914:

"I desire to point out to you that I am an exporter of wrapping paper to European countries. At the present moment I expect to forward about 25 tons of wrapping paper in rolls from New York to Genoa, Italy, destined for Italian consumption. Before the outbreak of the war the ocean-freight rate quoted by the various steamship lines was 25s. plus 5 per cent per ton weight of 2,240 pounds, but immediately after the commencement of the war the rates increased continuously—at times 40s., 50s. and 75s.

"I am now in receipt of a quotation from the Cunard Steamship Co., New York City, with reference to my above-mentioned shipment, and am quoted by this line the rate of 100s. plus 5 per cent per ton weight of 2,240 pounds. This is a fourfold increase over the previous rates before the outbreak of the war, and it makes the sale of the paper almost prohibitive.

"The following is from the United States and Australasia Steamship Co., of New York, dated December 17, 1914:

"In reference to a bill now before the Senate, known as the ship-purchase bill, authorizing the Government to purchase or charter ships to engage in foreign trade and to lease any of these ships to private corporations, we would respectfully ask that you file our application for Government steamers should this bill become a law.

"This is an American company, incorporated under the laws of New Jersey in 1898. We have been obliged to charter foreign steamers to care for exports to Australasia, and at the present time we are not able to charter steamers.

"There are despatched every year between 35 and 40 steamers from the port of New York to Australasia, with a demand for goods from America constantly increasing.

"The following is from a letter of O. G. Hempstead & Son, steamship agents and ship brokers, of Philadelphia, dated September 21, 1914:

"But, on the other hand, the trade with South American ports by this country is almost negligible, being only 6 per cent of our total exports. There are practically no first-class steamers now plying between United States ports and South American ports on either the Atlantic or Pacific sides of South America. True, the Lamport & Holt and Prince Lines have regular sailings from New York to the east coast of South America, but the Prince Line steamers generally return to England. The Lloyd Brasileiro have ceased running their own boats and now maintain infrequent sailings by means of chartered steamers, as do also Messrs. Funch, Edye & Co. The Atlas, Munson, and Luckenbach Lines do not go to South American ports, and the steamers of Messrs. Barber & Co., R. P. Houston & Co., Norton, Lilly & Co., and the American & River Plate Line only maintain occasional sailings to Buenos Aires by means of tramp steamers.

"On the west coast of South America there is a fairly good service maintained by Messrs. W. R. Grace & Co., the Wessel Duval Line, and the New York & South American Line, but I am convinced that with the stability only the United States could give to a regular line and the class of service which could be established and maintained great and permanent benefit could be secured to the merchants and manufacturers of this country.

"A line of steamers capable of plying between Philadelphia or New York at a 14-knot rate would bring Buenos Aires one week nearer to those ports, and if permanent sailing dates were named and maintained, so that deliveries could be accurately anticipated (the most valuable asset of any steamship line), and the steamers were of the type now in vogue between our North Atlantic ports and Liverpool, Hamburg, and Bremen, so that passengers as well as freight could be carried, a great and valuable trade would open to the citizens of this country and those of South America.

"I have quoted these letters almost in full, because they present the actual conditions more vividly than I could portray them in any language of my own.

"So long as this war continues these unfavorable conditions will not only continue, but grow worse unless something is done. Who can say how long the war will last? Who can forecast accurately its effects and results? Is it reasonable, is it safe, is it right, to remain idle any longer or to trust any further in the happening of some benevolent thing, through private agencies, that will secure and protect our foreign trade?

"Not only has the war emphasized the imperative necessity for the quick creation of an American merchant marine, but it has created an exceptional opportunity for the extension of our trade in the open markets of the world. This is notably the case with South America. The commercial and financial relations of our friendly and growing southern neighbors have been seriously affected by the war. They are seeking, necessarily, new accommodations, new adjustments. Where can they find them so readily and advantageously as in our great country? And where will they be more welcome? Commenting on this matter, that able and distinguished diplomat, the ambassador of Argentina, Dr. Naón, said in a recent speech before the Commercial Club of Boston:

"I do not know whether I am telling you anything new when I say that, if we rely on the indications of our statistics, the Argentine Republic constitutes one of the most important markets for the consumption of the manufactured products of the United States. In support of this fact I wish to present to your consideration a résumé of a number of comparative tables contained in an Argentine official publication entitled 'International Argentine Commerce,' which appeared in 1912. This is an official publication of the general bureau of commerce and industries of my country, and is issued under the responsibility of the ministry of agriculture. As a consequence, the figures appearing

therein are as exact as it is possible to make them and the most authentic expression of facts. Gentlemen, these figures show that of the total exports from the United States to the South American Continent, 40.3 per cent entered the Argentine Republic. They also show that our country received 41.1 per cent of the total exports from the United Kingdom to said continent, 47.3 per cent of those from Germany, 49.7 per cent of those from Belgium, 50 per cent of those from France, 66.4 per cent of those from Italy, and 80 per cent of the exports from Spain to South America. It may thus be said that the Argentine Republic absorbed alone 60 per cent of the total exports of the world to the South American Continent. Hence I do not believe that I am going too far when I say, in view of these figures, that they reveal with more eloquence than any address could the enormous purchasing power of my country. They also bear out the assertion made on more than one occasion that it constitutes a consumption market worthy of the best efforts of countries producing manufactured products, if those countries are desirous of obtaining now and in the future a certain means of meeting the demands of their commercial expansion.

"One of the most sorrowful consequences of the war for us, aside from the sentiment and affection intensified by the close ties which bind us with the countries at war, has been the almost complete paralysis of European importation, a paralysis which offers to the American market an unsurpassed opportunity for increasing to enormous proportions its commercial field by supplying the needs which the European industry has ceased to provide for.

"Let us see, now, what practical method could be adopted for supplying those needs and increasing the amount of our international commerce.

"There can surely be no better authority in this regard than the official word of the Argentine Government, as cabled some days ago to him who has the honor of addressing you at this moment. In this cablegram my Government says, in brief:

"Our products are being exported without increased difficulties, but a scarcity of bottoms is foreseen in the near future for the transportation of our products. A very efficient means of overcoming the difficulty would be if vessels were to come from that country with the usual cargoes, namely, unrefined naphtha, woods, iron, machinery and other agricultural implements, petroleum, furniture, lubricating oils, typewriters, machines, etc. These vessels would return with our products, such as refrigerated meats, wool, hides, quebracho, tannin, live stock, etc. American manufacturers could step into the place left by European industries in all branches formerly supplied by them, such as coal, steel rails, galvanized iron, woolen goods, pig and sheet iron, machinery in general, cement, locomotives, railway cars, refined sugar, automobiles, galvanized iron or steel wire, rail joints, sheet zinc, cotton fabrics, printing paper, electric wire and cables, iron pipes of all kinds, manufactures of iron and steel, household articles, woolen clothing, etc. The present moment offers to manufacturers of such articles most advantageous opportunities for openings, taking advantage of the shutting down of the European market. If they want to get it, it is for them to take the initiative by sending at least small cargoes, and especially by adapting themselves to the custom of not demanding payment on delivery, a custom which others have followed with marked success."

"This, gentlemen, is the official word, inspired, no doubt, by the Argentine spirit—a spirit of good will and sympathy, favoring the increase of our commercial bonds. From these words you may derive the following solutions, in our mind practical: First, enough vessels to meet demands of our commercial interchange; second, cultivation of the market by sending small cargoes and trustworthy agents to place them; third, the organization of our trade on a basis of credit similar to that established by European commerce.

"With respect to the first practical solution, it is not for me to discuss its possibility. I believe, however, that if the case should arise, the Argentine Government would facilitate, in so far as it was concerned, any initiative toward establishing new lines of maritime communication. I am also convinced that American—and, perhaps, also Argentine—capital will be stimulated by their own convenience to invest in the establishment of steamship lines, which will strengthen the ties of all kinds which bind us together, thus imitating the example of the great commercial countries of Europe, which have derived so many benefits from our international commerce. I firmly believe that to assure the stability of our trade both now and in the future we must conduct it in our own American and Argentine vessels.

"The possibilities offered by the purchasing power of Argentine commerce are well worthy of positive efforts—not words, but action; not wishes, but will—in order to be able to benefit fully therefrom. I do not believe I am wrong when I say that the Argentine Republic offers to American manufacturers to-day a consumption market of not less than one hundred millions over and above present exports to our country, and to obtain such a result it would be worth while to expend in action a part of the effort now spent in more or less theoretical methods in thinking of it.

"It may be true as claimed that there is at the moment ample tonnage offering for South America, but it may be stated with equal truth that the depression in South American trade and the disturbance of South American finances and credits by the European war, as outlined in the speech of the Argentine Ambassador from which I have quoted, have so reduced the demand that the supply of vessels may, at this juncture, be temporarily adequate. But this will not last. Revival of South American trade will soon come and our ships will be needed. South America's present supply of vessels is under foreign flags, the sailings are not sufficiently frequent or reliable, the rates of freight are high and exceedingly burdensome to American commerce and put our merchants and manufacturers at a permanent disadvantage with their European rivals.

"To capture our share of these markets and all other competitive world markets our business men must have the assurance of ocean transportation under the American flag, equal in quality, reliability, regularity, and frequency of sailings to that of their European competitors, and at rates for freight that are equal to, if not better than, those enjoyed by their foreign rivals.

"How can we expect our enterprising men to make large capital outlays to produce the particular goods required for the



South American trade or any special trade and to enter upon an active campaign to get their share of the business unless they have the certainty of transportation at reasonable rates for a sufficient length of time to establish the trade upon a firm and profitable basis? We must stand back of them through governmental action if we want them to succeed. We must develop South American and other foreign trade relations through the fundamental of sufficient transportation of the right sort just as we developed the great West in the sixties by building, with governmental aid, the transcontinental railways, thereby adding an empire of territory and wealth to our national resources. I merely repeat a platitudinous axiom when I say that trade follows transportation. American trade in foreign markets will follow transportation under the American flag and thrive as it never did before. The markets of the world are before us, the Orient as well as South America. Enterprise and courage are needed to secure them.

"This is, as I said before, a question of vital national policy. It must not be considered in a narrow and partisan spirit. We must deal with it as statesmen loving our country and wanting its welfare above partisan advantage and selfish interest. We must have highly developed vision and practical imagination to solve these questions.

"We have passed a tariff law which has put us in position to reach out and take our share of the world's markets because we have broken down those barriers which made it difficult in the past for other nations to establish on a large scale reciprocal trade with us. Reciprocity in trade is essential to permanent commercial intercourse, and no enduring trade development can have any other basis. On top of a favoring tariff law we have passed a splendid piece of financial legislation, the Federal reserve act, which gives our bankers for the first time in our history the opportunity to establish branches in foreign countries, to extend American credits, and thereby to promote American commerce.

"The only remaining thing to be done to make our conquest of foreign markets certain is to restore our merchant marine and enable our courageous and enterprising business men to carry our flag in the peaceful pursuits of commerce to every part of the civilized world. When we do that the American people will enter upon a career of solid, unfluctuating, and unexampled prosperity.

"But we must act immediately. We must not waste time in useless talk. The insistent knock of opportunity must not go unheeded. We need the ships as quickly as men and money can provide them. If we could put a substantial number of American ships in the trans-Atlantic service to-day, it would immediately result in reducing the present extortionate rates to a more reasonable basis, as well as provide facilities not now procurable at any price.

"As I said before, there seems to be an absolute unanimity of opinion throughout the country as to the necessity for the prompt creation of an American merchant marine. The only question is as to the method of getting it. Among the various remedies proposed are:

#### (1) SUBSIDIES.

"The Republican Party has always favored direct ship subsidies, but during all the years it had control of the Government and had the power to legislate it failed to put this policy into force. It either lacked the courage to do so or was unable to command the united support of its own followers in the enactment of such legislation. Whatever the cause, it has utterly failed to do any effective or practical thing for the restoration of our merchant marine.

"The Democratic Party, on the other hand, has uniformly opposed ship subsidies, and since it is now in control of both legislative and executive branches of the Government and is irretrievably committed against such a policy we may as well dismiss as impracticable and impossible the building up of our merchant marine through governmental bounties.

#### (2) DISCRIMINATING DUTIES IN FAVOR OF GOODS SHIPPED IN AMERICAN BOTTOMS.

"A provision for discriminating duties is contained in the Simmons-Underwood tariff bill, enacted in 1913, but the Attorney General has held that it violates our treaty obligations with various foreign nations. This plan, therefore, must be dismissed as unworkable. Even if our treaties did not stand in the way, and we could enforce such discriminating duties in favor of our ships, it would be easy for other nations to retaliate with similar discriminations and thereby largely negative such a policy. Retaliatory reprisals of this character would only prove hurtful by creating irritation and ill will and prevent the building up of our trade under our own flag.

#### (3) GUARANTIES BY THE GOVERNMENT OF THE PRINCIPAL AND INTEREST OF BONDS ISSUED BY PRIVATE CORPORATIONS ENGAGED IN SHIPPING.

"This proposal has been urged, but it is not worthy of serious consideration. It would be the worst form of subsidy, to say nothing of the wholly indefensible policy of having the United States Government become the guarantor of the bonds of private corporations engaged in any sort of enterprise. Once we entered upon such a course we should be asked to indorse the bonds of corporations engaged in other than ship enterprises. In time we should have the same kind of scrambling at Washington for governmental favor in the way of indorsements of obligations of private corporations that we had for bounties to favored interests under our old tariff laws. As between this kind of subsidy and the granting of a direct subsidy under a general law applicable to all ships operating under the American flag the latter would be far preferable.

#### (4) AMENDMENT OF THE NAVIGATION LAWS.

"Much has been said about changing our navigation laws in such manner as to make the field for private capital more attractive. It is said that our navigation laws are so unfavorable and put American shipowners at such a disadvantage that unless they are changed in numerous particulars it will be impossible ever to build up an American merchant marine. Even if our navigation laws could be changed to the extent proposed, there is no assurance that private capital would come forward quickly and provide our business men with the shipping facilities required in the present emergency. It is not, however, practicable to change our navigation laws to the extent which private capital demands, because the principal change relates to the wages of the American sailor. It is stated that the wage standard for American labor makes the cost of operating American ships so much greater than the cost of operating the ships of other nations that it is impossible for the American shipowner to compete with his foreign rivals. This may be overstatement; but whether it is or not, I think it can be said with certainty that public opinion in this country will never permit the passage of any legislation that will reduce the American sailor to the standard of the Asiatic and European sailor. Instead of lowering the standard of the American sailor, it is more likely to be increased. If, therefore, the wage scale of the American sailor is an insuperable obstacle, as alleged, to the investment of private capital in American shipping, we may dismiss as impracticable the enlistment of private capital in the upbuilding of our merchant marine through a change in our navigation laws. There are other features of our navigation laws which, it is said, must also be modified or amended before private capital will enter the field, but it is not necessary to mention them.

"If ship subsidies can not be obtained, if discriminating duties are unavailable, if Government guarantees of the bonds of private corporations can not be granted, if the standard of wages of the American sailor can not be lowered, if private capital can not, for all or any of these reasons, be induced to build up an American merchant marine, what is the remedy?

"The only practicable suggestion that has yet been made is the shipping bill now pending in the Congress of the United States. This measure provides for direct Government action. It means business; it means prompt and effective work; it means the beginning of a merchant marine which will meet the present emergency and give prompt relief to our distressed foreign commerce; it means the upbuilding of a permanent merchant marine under our flag that will establish our commerce securely in the open markets of the world; it means the creation of a naval auxiliary which is absolutely indispensable if our Navy is to be an effective instrument for the national defense.

"The essential features of the shipping bill are the organization of a private shipping corporation with a capital stock of \$10,000,000, 51 per cent of which is to be subscribed by the Government, and the remainder is to be offered to public subscription. If the public does not subscribe, the Government will take all of the stock. A shipping board is created, consisting of the Secretary of the Treasury, the Postmaster General, and the Secretary of Commerce. This board is to have the voting power on the Government stock and general supervision over the shipping corporation. The active management of the corporation will, however, be conducted by its board of directors and officers, just as the affairs of the Panama Railroad Co. are conducted by its officers and directors under the general supervision of the War Department. Although the Government owns the entire capital stock of the Panama Railroad Co., that company has, as is well known, long operated successfully a line of steamships between New York and the Canal Zone.

"In addition to the \$10,000,000 of capital stock of the proposed shipping corporation, \$30,000,000 of Panama Canal bonds, now in the Treasury, may be sold, and the proceeds used for the purchase or construction of ships, which are to be turned over



to the proposed corporation in consideration of a like amount of its 4 per cent bonds, which are to be held by the Treasurer of the United States and sold at the discretion of the Government. The act authorizes the transfer to the new corporation of the ships of the Panama Railroad Co. and any vessels belonging to the War and Naval Establishments suitable for commercial purposes and not required by the Army or Navy in time of peace upon terms to be approved by the President of the United States.

"These are the salient features of the bill. It will be observed that the Government does not engage in the shipping business; it is merely a stockholder, or the only stockholder in a private corporation engaged in such business. The officers and directors of the corporation will be chosen for their ability and knowledge of the shipping business, and the corporation will be managed like any other well-conducted business enterprise or organization. There is no reason why such a corporation can not be made just as successful as any other privately managed shipping corporation. It is not the purpose to operate the ships of the proposed corporation in competition with American ships where they are providing a sufficient and satisfactory service at reasonable rates to properly take care of and build up American trade.

"The object is to have a fleet of vessels, many of which may be of the improved type of tramp steamer, which can be readily mobilized and thrown into service at any point or upon any routes where there is a special demand for vessels under the American flag; and also to establish certain definite steamship lines or routes to be operated and maintained in such manner and at such reasonable rates as to give our merchants, manufacturers, and business men the assured transportation facilities which are indispensable to the upbuilding of our foreign trade and the extension and expansion of American enterprise.

"The proposed corporation will also have the right to charter ships for its own service or to make charter parties of its own ships to individuals and corporations for their purposes. It will, in fact, provide that mobile and flexible shipping organization without which it will be impossible ever to enlarge our foreign trade upon any permanent and secure basis.

"The act does not require the shipping board to buy the ships of any particular foreign registry. It is needless to say that no unneutral act will be permitted by the shipping board nor will any worthless ships or junk be sold to the Government. Suitable vessels for the purpose will be purchased, if they can be found, and suitable vessels will also be constructed. The purpose is to give our shipyards as many orders as possible, because it is realized that in order to create and maintain a satisfactory merchant marine under our flag our shipyards must be encouraged to provide and maintain the necessary facilities. With such encouragement it is only a question of a short time when our shipyards will be able to build ships in competition with the world. The larger the American merchant marine, the more quickly and certainly will our shipyards be able to establish a shipbuilding business of large and profitable proportions.

"Some timid people have argued that if the Government is interested as a stockholder in a shipping company, and a ship of such company should be seized by a belligerent and brought into a prize court, the sovereignty of the Government would be involved. There is no ground whatever for this view. If the Government operated ships outright, just as it operates the vessels of our Navy, an awkward situation of this character might arise; but where a nation is merely a stockholder, or the sole stockholder, in a private corporation, its sovereignty is not and can not be directly involved if the ships of such a corporation become the subjects of litigation in a prize court concerning any issue which does not involve the Government itself. The Government would stand in relation to such a corporation exactly as any individual stockholder does to a corporation in which he is interested. A suit against the corporation does not necessarily involve the shareholders.

"The only objection seriously urged by the opponents of the bill is that it puts the Government in the shipping business. This has a familiar sound. I remember that when the Federal reserve act was being formulated and while it was on its passage in the Congress, it was strenuously opposed on the ground that it put the Government in the banking business. The currency bill does put the Government in the banking business to some extent, and to the extent that it does the Government ought to be in the banking business.

"Let us see what it does: In the first place, it has compelled the national banks of the country to consolidate a large part of their reserves in 12 different reserve banks for the purpose of enabling these reserve banks to come swiftly to the assistance of each other and to the assistance of their member banks

whenever injury threatens and whenever the commerce and industry of the country require. This act has put us in position to throw the weight of the banking power of the country at any time and upon a moment's notice to any weak spot. This is accomplished through the Federal Reserve Board, sitting at Washington. This board also has the power to review and determine the interest rates that may be charged by the Federal reserve banks, and through this power to influence greater uniformity in interest rates throughout the country and the keeping of interest rates within more reasonable limits. The very existence of these powers, to say nothing of their judicious exercise, is a matter of inestimable value to the business interests of the country. There is no man engaged in trade who will not feel, directly or indirectly, its beneficial influence. This has already been conclusively demonstrated, although the act has been in operation but a short time.

"The shipping board will exercise analogously an immensely beneficial influence upon our foreign commerce. Just as the Federal Reserve Board is able to throw the banking power of the country to any weak spot for the purpose of protecting our domestic, financial, and commercial situation, so the shipping board, through the proposed shipping corporation, will be able to move its mobile fleet of steamers to any weak spot that may develop in our ocean transportation system and give relief to our foreign commerce. The shipping board may exercise a determining influence upon the general ocean-freight situation by establishing reasonable rates for the vessels operated by the shipping corporation, with corresponding benefit to the American shipper. One of the weaknesses in the movement of our foreign commerce is our utter inability under existing conditions to prevent arbitrary and excessive freight charges by foreign steamship companies. Through the means I have described we shall have the power to protect ourselves if the shipping bill becomes a law.

"The extension of our foreign commerce by means of a well-established American merchant marine will directly benefit our railroad companies because of the increased traffic which they will haul to and from our seaports. There is no reason why an extremely effective cooperation and coordination of our railroad and steamship facilities can not be brought about if this shipping board is established, just as such cooperation exists between the steamship lines and railroads of foreign countries. Such a development would enormously strengthen the American economic situation and make it all the more certain that our merchants and manufacturers can reach out and take their legitimate share of the world's trade.

"The objection that the shipping bill puts the Government in the shipping business is not tenable. Those who urge it seem to forget that it is the duty of the Government to engage in any activities, even of a business nature, which are demanded in the interest of all the people of the country, when it is impossible to engage private capital in such operations.

"Just after the outbreak of the European war, when our foreign exchanges had been completely deranged, with great hurt to our foreign trade, a conference was held at the Treasury Department in Washington for the purpose of devising methods to protect the American situation. At that conference there were many representative men of the business, financial, and shipping world, such, for instance, as James A. Farrell, president of the United States Steel Corporation; P. A. S. Franklin, vice president of the International Mercantile Marine; Robert Dollar, a prominent shipowner of San Francisco; James J. Hill, of St. Paul; Edwin N. Hurley, of Chicago; John D. Ryan, of New York; E. P. Thomas, president of the United States Steel Products Co., of New York; John H. Fahey, president of the Chamber of Commerce of the United States; Seth Low, president of the Chamber of Commerce of New York; Julius Barnes and H. E. Rycroft, of the Chicago Board of Trade; James G. Andrews, of Minneapolis; F. R. Eaton, of the Washburn-Crosby Co., Minneapolis; and L. E. Moses, of Kansas City, Mo., representing the western and northwestern milling interests; J. P. Morgan, James Speyer, James Brown, and Benjamin Strong, jr., representing New York foreign exchange and banking interests, besides other prominent men whose names I am obliged to omit for lack of time. These gentlemen adopted the following resolution:

"Resolved, That this conference urge the United States Government to establish a bureau of war-risk insurance, to be administered under the direction of a suitable Government department by a board of three or five members, which shall assume the risks of war on American vessels and American cargoes shipped or to be shipped thereon whenever, in the judgment of the board, it shall appear that American vessels or shippers on American vessels are unable in any particular trade to compete on equal terms with the vessels or shippers of other nationalities by reason of the protection offered such other carriers or shippers by arrangements for war indemnity through their Governments, and that such board have power to fix rates of premium, subject to change, to each country or for each class of cargo.



"You will observe that they strongly favored and urged that the United States Government go into the war-risk insurance business. Why? Because private capital would not engage in this business and because it was essential to afford immediately this protection to our foreign commerce if it was not to cease altogether. War-risk insurance is just as essential an element in the shipping business as the hulls of the ships themselves. No shipowner and no shipper will send a ship and cargo to sea without war-risk insurance in time of war and without marine insurance in times of peace or war.

"These representative business men did not hesitate to advocate strongly the Government going into a part of the shipping business, viz, the war-risk insurance business. It was a perfectly reasonable and defensible thing to do. They urged it because private capital would not engage in it, just as it will not engage in an American mercantile marine. The Congress of the United States promptly enacted the desired law, and the Government is in the war-risk insurance business to-day. What it has done for our commerce already can not be estimated in figures alone. It has not only supplied indispensable protection, without which our commerce would not have moved across the seas, but it has also secured to the American shippers reasonable rates and prompt indemnity. It has protected them against extortionate charges. At the same time the business has been conducted in such a way as to protect the Government, through reasonable rates, for the risks assumed. Congress passed the law on September 2, 1914. Up to December 23, 1914, the total amount of war-risk insurance issued was \$25,544,106 and the total premiums collected \$591,572. No losses of any consequence had been incurred up to that date, and the total cost of operating the bureau up to that time had not exceeded \$6,000. Yet 'they say' that the Government can not successfully manage a business undertaking.

"The representative business men whose names I have given made a distinct declaration in favor of—

"First. The Government engaging in the insurance business for the express purpose of enabling American vessels or shippers on American vessels 'to compete on equal terms with the vessels or shippers of other nationalities'; and

"Second. The establishment of a board with power to fix rates of premium, and so forth.

"Now, this is exactly what the shipping bill is intended to do for our merchant marine. As private capital can not be obtained for this great enterprise, and as the need, like that for war-risk insurance, is immediate and imperative, it is proposed—

"First. To have the Government engage in the shipping business for the purpose of enabling American vessels or shippers on American vessels 'to compete on equal terms with the shippers of other nationalities'; and

"Second. To establish a shipping board which will have the power to fix the rates for our shippers on such American vessels, and thereby the more certainly to secure to our shippers that degree of equality and protection in the foreign trade which will enable them to compete successfully with their foreign rivals.

"The war-risk insurance bill was passed on September 2 by the votes of Republicans, Democrats, and Progressives alike. In the Senate there was no roll call, the vote being aye and no. In the House of Representatives Democrats, Republicans, and Progressives voted in favor of the bill, which passed by an overwhelming majority. Here is a striking instance where all political parties and business men of the country, regardless of political faith, deliberately supported the principle of the Government going into the most private kind of private business for the purpose of protecting the commerce of the country. It may be argued that the War Risk Insurance Bureau is to continue only for the period of the war, and that, therefore, it does not establish a precedent. War-risk insurance can not, of course, last longer than the war, because the necessity for it expires with the return of peace, but the necessity for an American merchant marine will continue during times of peace as well as during times of war. The principle, however, of the Government going into private business for the purpose of protecting the commerce of the country is not altered by the fact that a part of the business in which it may engage is of a temporary character. There is ample precedent for the Government going into private business. We have numerous notable instances where broad national policy and the protection of the people of the country made such action on the part of the Government essential.

"Let me refer again to the Panama Railroad Co., which operates a railroad on the Isthmus and a steamship line between New York and Panama. The Government bought the

entire stock of the Panama Railroad Co., and has operated with great success a line of steamships between New York and Panama for years. Now that the canal has been completed the railroad across the Isthmus has become of small importance, but the steamship line between New York and Panama is of great value to the country and must be continued. Not only has a regular and reliable steamship service been maintained, but a favorable influence has been exerted on freight rates throughout Central and South America, where the Panama steamship lines and railroad have been a factor.

"The Panama Railroad and steamships have been operated under Government supervision at a profit always. Here is a striking instance of the successful conduct of business under Government control and supervision.

"What has been successfully accomplished by the Panama Steamship Line can be accomplished by the steamship company which the pending bill proposes to create.

"Recently the Government has gone into the railroad business in the Territory of Alaska. The development of the resources of this great Territory has been delayed by the failure of private capital to undertake the essential enterprise of transportation. Congress has recently passed a law authorizing the construction by the Government of a system of railways in Alaska.

"Just as it became necessary in the case of the Pacific railways for the Government to shoulder the burden of the large initial expenditure necessary for their construction, so is it necessary for the Government to provide the means of transportation in Alaska, because private capital will not take the risks and incur the initial losses which must be spread over a number of years, until the development of the country will make the railway lines self-supporting and profitable. This development should be all the more rapid under Government auspices, because the railroad company will be able to make reasonable and favorable rates for the transportation of freight and passengers. The same thing is being done in Alaska that we did in the case of the Pacific railways, except that the Government is not building the Alaskan railways with its own money in the form of subsidies and presenting the system when completed to favored individuals, but is retaining possession of the system in order to operate it under such conditions and upon such terms as will most rapidly develop the Alaskan Territory for the benefit and enrichment of all the people of our country.

"For all these years we have waited for private capital to develop Alaska. Is there anyone who would advocate a continuation of the policy of expectant waiting for private capital and the continued neglect of the great resources of the Alaskan Territory?

"The objection that 'the Government must never go into private business,' even though private capital refuses to engage in such business, when the interests of the people imperatively demand it, is always urged against any progressive step of this character. Are we to be bound by a mere dogma of this sort? Are we to be deterred from doing, through the agencies of Government, what is essential to the welfare of our people when private capital can not be secured? While I believe that the Government should not engage in business where private enterprise can be depended upon for the purpose, I am not afraid of the Government going into business where private capital refuses, and where the business in which the Government is to engage is for the benefit of all the people of the country. I am afraid of the Government going into private business only when it is for the benefit of special interests or to serve the selfish purposes of some particular class.

"For 50 years we have waited for private capital to provide an American merchant marine. For 50 years our foreign trade has languished while we have waited. Shall we wait any longer upon a fatuous hope or lean any longer upon a broken reed?

"If the shipping bill is objected to by our opponents, what practical suggestion or remedy have they to offer? The American people will not be content with academic objections. They do not want a practical plan rejected unless a better substitute is offered. Let the opponents of this bill present such a substitute or let them hold their peace.

"Will the Republicans, Democrats, and Progressives in Congress meet the cry of the American manufacturer, the American business man, and the American banker by immediately passing this measure, which will set our great country upon a new career of world influence? Will they vote now to carry out their long-neglected pledges to the people? Will they emancipate American commerce from dependence upon foreign vessels, and set it safely on the highway of peaceful conquest, under the American flag, of the open markets of the world?"



## CREDENTIALS.

Mr. LANE presented the credentials of GEORGE E. CHAMBERLAIN, chosen by the electors of the State of Oregon a Senator from that State for the term beginning March 4, 1915, which were read and referred to the Committee on Privileges and Elections.

## PETITIONS AND MEMORIALS.

Mr. HITCHCOCK presented petitions of sundry citizens of Scribner, Atkinson, Pickrell, Elgin, Herman, Stanton, McCook, Hoskins, Hastings, Diller, Hallam, Rising City, Arapahoe, Gothenburg, Staplehurst, Gresham, Lincoln, Blue Hill, Campbell, Fremont, Crowell, St. Helena, Boelus, Firth, and Teton City, all in the State of Nebraska, and of sundry citizens of Chicago, Ill., praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

Mr. OLIVER presented petitions of sundry citizens of Pennsylvania, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

He also presented a petition of the congregation of the United Presbyterian Church, of Emsworth, Pa., praying for the adoption of the amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a petition of the City Council of Wilkes-Barre, Pa., praying for the enactment of legislation to provide pensions for civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented memorials of sundry citizens of Stoneboro, Pa., remonstrating against the enactment of legislation increasing the Army and Navy equipment, which were referred to the Committee on Military Affairs.

Mr. BRANDEGEE presented petitions of sundry citizens of Lisbon, Bethel, Danbury, Rockville, Norwich, New Britain, Baltic, and Taftville, all in the State of Connecticut, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

He also presented a memorial of the Business Men's Association of Hartford, Conn., remonstrating against the enactment of legislation that will interfere with the exportation of the products of this country to any other country, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Adath Israel Congregation, of Bridgeport, Conn., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of the Cosmopolitan Club, of South Manchester, Conn., praying for the enactment of legislation to regulate the interstate commerce in convict-made goods, which was referred to the Committee on Interstate Commerce.

He also presented petitions of Framat Lodge, No. 51, International Order of Good Templars, and of sundry citizens of Ansonia, in the State of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. McLEAN presented petitions of 66 citizens of Danbury and Bethel, in the State of Connecticut, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Military Affairs.

Mr. BURLEIGH presented a petition of sundry citizens of Westbrook, Me., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. LIPPITT presented a petition of the Rhode Island Medical Society, praying for the enactment of legislation providing for a mental examination of immigrants by the Public Health Service, especially trained in the diagnosis of insanity and mental defects, which was ordered to lie on the table.

He also presented a memorial of the Ancient Order of Hibernians, Board of Erin, of Providence County, R. I., remonstrating against the treatment accorded Catholic priests and nuns in Mexico, which was referred to the Committee on Foreign Relations.

## REPORTS OF COMMITTEES.

Mr. BRADY, from the Committee on Military Affairs, to which was referred the bill (S. 2789) to award the medal of honor to Maj. John O. Skinner, surgeon, United States Army, retired, reported it without amendment and submitted a report (No. 913) thereon.

Mr. JOHNSON, from the Committee on Claims, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

H. R. 3430. An act for the relief of Lottie Rapp (Rept. No. 914); and

H. R. 9701. An act for the relief of F. W. Theodore Schroeter (Rept. No. 915).

Mr. SWANSON, from the Committee on Public Buildings and Grounds, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 12464. An act providing for the expenditure of part of the unexpended balance of the appropriation of \$10,000 made by the urgent deficiency bill of October 22, 1913, for the completion of the post-office building at Hanover, Pa. (Rept. No. 911); and

H. R. 15000. An act authorizing the Secretary of the Treasury to disregard section 33 of the public buildings act of March 4, 1913, as to site at Huntingdon, Tenn. (Rept. No. 912).

## VANCE PARK, CHARLOTTE, N. C.

Mr. SWANSON. From the Committee on Public Buildings and Grounds I report back favorably without amendment the bill (S. 6403) donating the old iron fence around Vance Park, Charlotte, N. C., to the Mecklenburg Declaration of Independence Chapter, to be placed around Craighead Cemetery, near Sugar Creek Church, in Mecklenburg County; and I submit a report (No. 910) thereon.

Mr. OVERMAN subsequently said: Mr. President, a few moments ago the Senator from Virginia [Mr. SWANSON], from the Committee on Public Buildings and Grounds, reported favorably the bill (S. 6403) donating a fence around Vance Park, in Charlotte, N. C., to the local chapter of the Daughters of the American Revolution. I ask unanimous consent for the present consideration of the bill.

Mr. TOWNSEND. I object.

The VICE PRESIDENT. Objection is made, and the bill will be placed on the calendar.

## STATUE OF GEN. GEORGE MEADE.

Mr. SHIVELY. From the Committee on the Library I report back favorably without amendment the joint resolution (H. J. Res. 234) directing the selection of a site for the erection of a statue in Washington, D. C., to the memory of the late Maj. Gen. George Gordon Meade and submit a report (No. 909) thereon. I call the attention of the junior Senator from Pennsylvania to the report.

Mr. OLIVER. I ask unanimous consent for the present consideration of the joint resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## HEARINGS BEFORE THE COMMITTEE ON INDIAN AFFAIRS.

Mr. LA FOLLETTE. By direction of the Committee on Indian Affairs and on behalf of the chairman of the committee, who is not now in the Senate, I report a resolution and ask that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution (S. Res. 521) was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

*Resolved*, That the Committee on Indian Affairs, or any subcommittee thereof, be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on the pending Indian appropriation bill, such stenographer to be paid at a rate not exceeding \$1 per printed page; and that the expense thereof be paid out of the contingent fund of the Senate.

## BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHAFROTH:

A bill (S. 7273) granting an increase of pension to Gardner B. Taylor; and

A bill (S. 7274) granting an increase of pension to Ellen A. Pains; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 7275) to authorize the Secretary of War to furnish transportation to the Organized Militia of the State of Oregon by United States transport to the Panama-Pacific International Exposition; to the Committee on Military Affairs.

By Mr. GALLINGER:

A bill (S. 7276) granting a pension to Olive Lunn (with accompanying papers); to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 7277) authorizing the Secretary of War to donate two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls to the city of Graham, Alamance County, N. C.; to the Committee on Military Affairs.

By Mr. JONES:

A bill (S. 7278) granting an increase of pension to Milton J. Hedges; to the Committee on Pensions.



By Mr. SWANSON:

A bill (S. 7279) granting a pension to James D. Cox;  
A bill (S. 7280) granting a pension to James Morrison;  
A bill (S. 7281) granting a pension to James B. Russell; and  
A bill (S. 7282) granting a pension to William M. Faidley;  
to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 7283) granting a pension to George T. Moulton;  
to the Committee on Pensions.

By Mr. HITCHCOCK:

A bill (S. 7284) for the relief of Simon J. Lonergan; to the  
Committee on Naval Affairs.

By Mr. GORE:

A bill (S. 7285) granting an increase of pension to Charles R.  
Newton;

A bill (S. 7286) granting a pension to Jesse Watkins; and

A bill (S. 7287) granting a pension to General P. Frederick  
(with accompanying papers); to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 7288) granting a pension to Minta Jones; to the  
Committee on Pensions.

By Mr. McLEAN:

A bill (S. 7289) granting an increase of pension to Mary E.  
Stanton (with accompanying papers); to the Committee on  
Pensions.

By Mr. NELSON:

A bill (S. 7290) granting an increase of pension to Harriett  
S. Crooks; to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 7291) granting an increase of pension to David  
Youts; and

A bill (S. 7292) granting an increase of pension to Elizabeth  
Kniffin; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 7293) for the relief of the Iowa Tribe of Indians; to  
the Committee on Indian Affairs.

By Mr. STONE:

A bill (S. 7294) granting a pension to Joseph Lieber; and  
A bill (S. 7295) granting an increase of pension to William  
H. McKinley; to the Committee on Pensions.

A bill (S. 7296) for the relief of Walter E. Holden (with  
accompanying papers); to the Committee on Claims.

#### AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. OWEN submitted an amendment authorizing the Sec-  
retary of the Treasury to sell to the bishop of Oklahoma for  
cemetery purposes certain lands situate in Pittsburg County,  
Okla., etc., intended to be proposed by him to the Indian ap-  
propriation bill (H. R. 20150), which was referred to the Com-  
mittee on Indian Affairs and ordered to be printed.

Mr. THOMAS submitted an amendment authorizing the Sec-  
retary of the Interior and the Commissioner of Indian Affairs  
to negotiate an agreement with the Confederate Bands of Ute  
Indians for a final settlement of all the rights, claims, and de-  
mands of these Indians against the United States, etc., intended  
to be proposed by him to the Indian appropriation bill (H. R.  
20150), which was referred to the Committee on Indian Affairs  
and ordered to be printed.

Mr. ASHURST submitted an amendment proposing to ap-  
propriate \$23,000 for extension of the Ganado irrigation project  
on the Navajo Indian Reservation in Arizona, etc., intended to  
be proposed by him to the Indian appropriation bill (H. R.  
20150), which was referred to the Committee on Indian Affairs  
and ordered to be printed.

#### RIVER AND HARBOR APPROPRIATIONS.

Mr. BRANDEGEE submitted seven amendments intended to  
be proposed by him to the Indian appropriation bill (H. R.  
20150), which was referred to the Committee on Com-  
merce and ordered to be printed.

#### OMNIBUS CLAIMS BILL.

Mr. SHIELDS submitted an amendment intended to be pro-  
posed by him to the omnibus claims bill (H. R. 8846), which  
was referred to the Committee on Claims and ordered to be  
printed.

#### THE MERCHANT MARINE.

Mr. SAULSBURY submitted five amendments intended to be  
proposed by him to the bill (S. 6856) to authorize the United  
States, acting through a shipping board, to subscribe to the  
capital stock of a corporation to be organized under the laws  
of the United States or of a State thereof or of the District of  
Columbia to purchase, construct, equip, maintain, and operate  
merchant vessels in the foreign trade of the United States, and  
for other purposes, which were ordered to lie on the table and  
be printed.

#### PROHIBITION IN THE DISTRICT.

Mr. SHEPPARD. I have received two short letters which I  
ask may be read.

There being no objection the letters were read, as follows:

WASHINGTON, D. C., January 14, 1915.

HON. MORRIS SHEPPARD,  
United States Senate.

MY DEAR SENATOR: The East Washington Civic Association at its  
regular meeting held at Withaff's Hall January 13, 1915, unanimously  
and emphatically indorsed the Sheppard amendment providing for pro-  
hibition of the liquor traffic in the District after November 1, 1916.

The East Washington Civic Association represents a signed constitu-  
ency of nearly 5,000 residents and property owners in East Washington.  
We respectfully and earnestly pray for the adoption and passage of the  
above legislation as being for the best interest of the people of the  
District.

Respectfully, yours,

JAMES W. MCGUIRE,  
Vice President and Secretary pro tempore.

By order of the East Washington Civic Association, with their request  
that this action be laid before the Senate and entered upon the record.  
J. W. M.

WASHINGTON, D. C., January 13, 1915.

HON. MORRIS SHEPPARD,  
United States Senate, Washington, D. C.

MY DEAR SENATOR: The people living in that section of the District  
of Columbia known as Petworth are, I am sure, with you almost to a  
man in your effort to make the District "dry." While our citizen  
bodies have taken no recent action upon this question, I have had ex-  
cellent opportunity for learning the sentiment of our people. As vice  
president of the Petworth Citizens' Association and as president of the  
Petworth Home and School Association I have large acquaintance and  
close personal contact with the people.

We enjoy so much living under prohibition, as we are within the  
Soldiers' Home mile limit, that we would like the entire District to  
have the benefit of so sane a law.

Surely there is no good reason for Congress in this single instance  
surrendering its right to exercise "exclusive legislation" in the Dis-  
trict, and there are many reasons for not having a referendum vote on  
this question. We have not the requisite election machinery, and it is  
hardly possible that such could be perfected for this single vote. This  
question should not be singled out for popular action.

Thanking you for your work for humanity, I am,

Yours, most respectfully, JESSE C. SUTER, 911 Webster Street.

#### SUPPLY OF ANILINE DYESTUFFS.

Mr. POMERENE. I submit a resolution and ask unanimous  
consent for its present consideration:

The resolution (S. Res. 520) was read, as follows:

*Resolved*, That the Secretary of Commerce be, and he is hereby,  
directed to inform the Senate as fully as possible as to the facts relat-  
ing to the supply of dyestuffs for American textile and other industries,  
the sources of such supply, the extent and nature of the supply, the  
movement of prices, the available materials for the manufacture of such  
supplies in this country, the possibilities, if any, as to the stoppage of  
such supply by reason of the existing European war, and any and all  
such other facts as will bring the existing conditions in the aniline-  
color industry fully to the knowledge of the Senate.

The VICE PRESIDENT. Is there objection to the present  
consideration of the resolution?

Mr. TOWNSEND. I object.

The VICE PRESIDENT. Objection being made, the resolu-  
tion will lie over and be printed.

#### KING THEOLOGICAL HALL.

The VICE PRESIDENT laid before the Senate the amend-  
ment of the House of Representatives to the bill (S. 5168) for  
the relief of the King Theological Hall, and authorizing the con-  
veyance of real estate to the Howard University and other  
grantees, which was, on page 2, line 3, after "meeting," to in-  
sert: "or any special meeting called for that purpose."

Mr. HOLLIS. I move that the Senate concur in the amend-  
ment of the House.

The motion was agreed to.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr.  
Latta, executive clerk, announced that the President had ap-  
proved and signed the following act and joint resolution:

On January 11, 1915:

S. 6454. An act to authorize the Government Exhibit Board for  
the Panama-Pacific International Exposition to install any part  
or parts of the Government exhibit at the said exposition in the  
exhibit palaces of the Panama-Pacific International Exposition  
Co. or in the Government building at said exposition; and

S. J. Res. 58. Joint resolution authorizing the Secretary of the  
Navy to present the bell of the late U. S. S. *Princeton* to the  
borough of Princeton, N. J.

#### AMENDMENTS TO THE JUDICIAL CODE.

Mr. CHILTON and Mr. ROBINSON addressed the Chair.

The VICE PRESIDENT. The Senator from West Virginia.

Mr. CHILTON. Mr. President, I ask unanimous consent for  
the consideration of Calendar No. 741, being House bill 19076.  
I desire to explain that this bill has been passed by the House



and has been fully considered and reported by the Committee on the Judiciary of the Senate. I think it will not take over 5 or 10 minutes to dispose of the measure. I desire to offer certain amendments on behalf of the committee, and unless the bill is passed very soon there will be no opportunity for the Senate amendments to be concurred in by the House.

The bill is designed to relieve the Supreme Court of certain classes of cases and to make some needed amendments in the Judicial Code which it is conceded are necessary. The bill has the approval, I think, of everyone who understands the subject, and I hope that no objection will be made to its present consideration.

The VICE PRESIDENT. Is there any objection?

Mr. JONES. Mr. President, the Senator from Michigan [Mr. TOWNSEND] is temporarily absent from the Chamber. I know that he does not desire matters taken up by unanimous consent—

Mr. CHILTON. The bill will take but a few moments—

Mr. JONES. And I shall have to object.

The VICE PRESIDENT. Objection is made.

Mr. CHILTON. Then, I move, Mr. President, that the Senate proceed to the consideration of House bill 19076, the objection to the contrary notwithstanding.

The VICE PRESIDENT. The question is on the motion of the Senator from West Virginia that the Senate proceed to the consideration of House bill 19076, notwithstanding the objection. [Putting the question.] The "ayes" seem to have it.

Mr. TOWNSEND. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAMES. Mr. President, I should like to ask the Senator from West Virginia what the bill is? We could not hear what he said back here.

Mr. CHILTON. It is a bill to relieve the Supreme Court of a part of its present jurisdiction and to make certain amendments to the Judicial Code to that end.

Mr. GALLINGER. I ask that the bill be read before we vote on the motion to take it up.

Mr. CHILTON. I understand the yeas and nays have been ordered. I could explain the bill briefly if I could get the floor.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill (H. R. 19076) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as follows:

*Be it enacted, etc.,* That the first subdivision of section 116 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, is hereby amended to read as follows:

"First. The first circuit shall include the districts of Rhode Island, Massachusetts, New Hampshire, Maine, and Porto Rico."

SEC. 2. That sections 128, 238, and 246 of the act aforesaid are hereby amended to read as follows:

"SEC. 128. The circuit courts of appeals shall exercise appellate jurisdiction to review by appeal or writ of error final decisions in the district courts, including the United States district court for Hawaii and the United States district court for Porto Rico, in all cases other than those in which appeals and writs of error may be taken direct to the Supreme Court as provided in section 238, unless otherwise provided by law; and, except as provided in sections 239 and 240, the judgments and decrees of the circuit court of appeals shall be final in all cases in which the jurisdiction is dependent entirely upon the opposite parties to the suit or controversy being aliens and citizens of the United States or citizens of different States; also in all cases arising under the patent laws, under the trade-mark laws, under the copyright laws, under the revenue laws, and under the criminal laws, and in admiralty cases."

"SEC. 238. Appeals and writs of error may be taken from the district courts, including the United States district court for Hawaii and the United States district court for Porto Rico, direct to the Supreme Court in the following cases: In any case in which the jurisdiction of the court is in issue, in which case the question of jurisdiction alone shall be certified to the Supreme Court from the court below for decision; from the final sentences and decrees in prize causes; in any case that involves the construction or application of the Constitution of the United States; in any case in which the constitutionality of any law of the United States or the validity or construction of any treaty made under its authority is drawn in question; and in any case in which the constitution or law of a State is claimed to be in contravention of the Constitution of the United States."

"SEC. 246. Writs of error and appeals from the final judgments and decrees of the Supreme Court of the Territory of Hawaii and of the Supreme Court of Porto Rico may be taken and prosecuted to the Supreme Court of the United States within the same time, in the same manner, under the same regulations, and in the same classes of cases, in which writs of error and appeals from the final judgments and decrees of the highest court of a State in which a decision in the suit could be had, may be taken and prosecuted to the Supreme Court of the United States under the provisions of section 237; and in all other cases, civil or criminal, in the Supreme Court of the Territory of Hawaii or the Supreme Court of Porto Rico, it shall be competent for the Supreme Court of the United States to require by certiorari, upon the petition of any party thereto, that the case be certified to it, after final judgment or decree, for review and determination, with the same power and authority as if taken to that court by appeal or writ of error; but certiorari shall not be allowed in any such case unless the petition therefor is presented to the Supreme Court of the United States within six months from the date of such judgment or decree."

SEC. 3. That section 244 of the act aforesaid is hereby repealed.

SEC. 4. That the judgments and decrees of the circuit courts of appeals in all proceedings and cases arising under the bankruptcy act and in all controversies arising in such proceedings and cases shall be final, save only that it shall be competent for the Supreme Court to require by certiorari, upon the petition of any party thereto, that the proceeding, case, or controversy be certified to it for review and determination, with the same power and authority as if taken to that court by appeal or writ of error; but certiorari shall not be allowed in any such proceeding, case, or controversy unless the petition therefor is presented to the Supreme Court within six months from the date of such judgment or decree.

SEC. 5. That an action or suit by or against a railroad company incorporated and existing under an act of Congress shall not be regarded as a case arising under a law of the United States within the meaning of the statutes regulating the jurisdiction of the courts of the United States, unless there be some sufficient reason for so regarding it independently of the incorporation and existence of the railroad company under an act of Congress.

SEC. 6. That this act shall take effect and be in force on and after the 1st day of April, 1915.

Mr. CHILTON. Mr. President—

The VICE PRESIDENT. The question is, Will the Senate proceed to the consideration of House bill 19076? The yeas and nays have been ordered, and the question is not debatable. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a pair with the junior Senator from Wyoming [Mr. WARREN]. Not knowing how he would vote if present, I withhold my vote.

Mr. GRONNA (when Mr. McCUMBER's name was called). My colleague [Mr. McCUMBER] is unavoidably absent from the city. He is paired with the junior Senator from Kentucky [Mr. CAMDEN].

Mr. REED (when his name was called). I transfer my pair with the senior Senator from Michigan [Mr. SMITH] to the junior Senator from South Carolina [Mr. SMITH] and will vote. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I desire to announce the absence of the senior Senator from Michigan [Mr. SMITH] and his pair with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

Mr. SMITH of Georgia (when the name of Mr. SMITH of South Carolina was called). I desire again to announce that the junior Senator from South Carolina [Mr. SMITH] is detained from the Senate on account of illness in his family.

Mr. SUTHERLAND (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. CLARKE], who is absent. I transfer that pair to the senior Senator from Kansas [Mr. BRISTOW] and will vote. I vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Virginia [Mr. MARTIN] and will vote. I vote "yea."

The roll call was concluded.

Mr. CAMDEN. Transferring my pair with the senior Senator from North Dakota [Mr. McCUMBER] to the senior Senator from Illinois [Mr. LEWIS], I desire to vote. I vote "yea."

Mr. CULBERSON (after having voted in the affirmative). I transfer my general pair with the senior Senator from Delaware [Mr. DU PONT] to the senior Senator from Nevada [Mr. NEWLANDS] and will allow my vote to stand.

Mr. BRANDEGEE (after having voted in the negative). I voted inadvertently. I am paired with the junior Senator from Arizona [Mr. SMITH], and therefore withdraw my vote.

Mr. CHILTON (after having voted in the affirmative). I omitted to state that I am paired with the junior Senator from New Mexico [Mr. FALL]; but on this question I feel at liberty to vote, and therefore will allow my vote in the affirmative to stand.

The result was announced—yeas 61, nays 9, as follows:

#### YEAS—61.

Ashurst	Gronna	Page	Smith, Md.
Bankhead	Hardwick	Perkins	Smoot
Brady	Hollis	Pittman	Stone
Bryan	Hughes	Polindexter	Sutherland
Burleigh	Johnson	Pomerene	Swanson
Burton	Jones	Ransdell	Thomas
Camden	Kern	Reed	Thompson
Chamberlain	Lee, Tenn.	Robinson	Tillman
Chilton	Lee, Md.	Root	Vardaman
Crawford	Lippitt	Saulsbury	Walsh
Culbertson	Lodge	Shafroth	Weeks
Cummins	McLean	Sheppard	Williams
Dillingham	Nelson	Sherman	Works
Gallinger	Norris	Shields	
Goff	O'Gorman	Shively	
Gore	Overman	Smith, Ga.	

#### NAYS—9.

Clark, Wyo.	Kenyon	Lane	Townsend
Hitchcock	La Follette	Thornton	White
James			



## NOT VOTING—26.

Borah	du Pont	Myers	Smith, Mich.
Brandegee	Fall	Newlands	Smith, S. C.
Bristow	Fletcher	Oliver	Stephenson
Cañon	Lewis	Owen	Sterling
Clapp	McCumber	Penrose	Warren
Clarke, Ark.	McClure, Va.	Simmons	
Colt	Martine, N. J.	Smith, Ariz.	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 19076) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

Mr. CHILTON. Mr. President, I send to the desk three amendments which are proposed by the Committee on the Judiciary, and to show their relevancy and meaning I want to explain to the Senate in just a few words the purposes of the bill.

The first section of the bill puts Porto Rico in the first circuit, so that appeals from the courts of Porto Rico will take the same course as appeals from the courts of the different States. The bill was drafted upon the idea that Porto Rico was on the line of travel of the first circuit, Boston being the place where the circuit court of appeals of the first circuit is held. At present, under the law, practically every case of importance tried in Porto Rico is taken to the Supreme Court of the United States, and it burdens the court very much. We thought it ought to be put in a circuit, so that appeals could be made to the circuit court of appeals for the first circuit, and then cases from Porto Rico could go to the Supreme Court of the United States only by certiorari, as is the case in all of the States.

There are several other amendments. The one to section 128 is intended to correct what was probably a mistake on the part of the lawmakers and to bring trade-mark cases into the same category as cases arising under the patent laws and under the copyright laws. There was at least a dispute as to whether or not they are now in the same category, and the amendment to section 128 makes appeals in trade-mark cases take the same course as those in copyright cases and in cases arising under the patent law.

In section 238 the words "and the United States District Court of Porto Rico" are inserted to conform to the amendment made in the first section.

The next amendment is to remedy the following situation: There is one railroad company in the United States that is incorporated under the laws of the United States, and that railroad company clogs the record of the Supreme Court by taking all of its cases to that court, on the ground that as it is a corporation organized under the laws of the United States there arises a question under the laws of the United States. The language used in section 5 of the bill met with objection, and several of the Senators on the Judiciary Committee proposed that this section should be amended. The amendment was proposed, and while it occurs to me that the language of the House bill and that of the amendment mean the same thing, the amendment was unanimously agreed to by the Judiciary Committee.

Another amendment made by the committee is to require petitions for certiorari to the Supreme Court to be filed in three months instead of six months. They struck out "six months" and inserted "three months."

Those are all of the amendments, except one suggested by the Senator from Minnesota. There was a certain law that he wanted excepted from the provisions of the bill, and it is contained in the amendment which I have sent to the desk.

I will ask the Secretary now to read those amendments, and it will be seen that I have stated them correctly.

The VICE PRESIDENT. The Secretary will state the amendments.

The first amendment was, on page 4, line 20, to strike out "six" and insert "three," so as to read:

But certiorari shall not be allowed in any such proceeding, case, or controversy unless the petition therefor is presented to the Supreme Court within three months from the date of such judgment or decree.

Mr. CLAPP. Mr. President, I have been out of the Chamber. Would the amendment limiting the time in that way apply to Porto Rico?

Mr. CHILTON. It will apply to everything.

Mr. CLAPP. Does the Senator think it is advisable to do that with reference to Porto Rico?

Mr. CHILTON. The Committee on the Judiciary thought so, and unanimously reported that amendment, after considering the whole subject pretty thoroughly. I think that will be ample time. It is very desirable that the time for presenting petitions for certiorari shall be as short as possible. It would seem that everybody could act within three months. A petition could be filed within that time.

Mr. GOFF. Mr. President, I should like to inquire if the amendments have the unanimous assent of the entire Judiciary Committee?

Mr. CHILTON. Yes, sir; it is a unanimous report of the committee.

Mr. GOFF. As to all the sections?

Mr. CHILTON. Yes, sir; all of the amendments.

Mr. JAMES. Mr. President, does this bill deny to the Porto Rican the right to go to the highest court, the Supreme Court?

Mr. CHILTON. It gives to the Porto Rican just the same right that the Senator has in Kentucky. It puts Porto Rico in the first circuit, just as every State in the Union is in some circuit. Anyone in Porto Rico having a controversy will go from the courts of Porto Rico to the circuit court of appeals of the first circuit; and in those cases in which any citizen of that circuit can go to the Supreme Court of the United States, then, upon the same terms and in the same way, a citizen of Porto Rico can go to the Supreme Court of the United States.

Mr. JAMES. So it just makes another court that the Porto Rican has to go to before he gets to the Supreme Court?

Mr. CHILTON. It does; or, rather, it puts Porto Rico in just the same position as a State of the Union in that respect. It puts it in the first circuit.

Mr. JAMES. As I understand, on an issue arising in Porto Rico a citizen there could appeal to the Supreme Court directly?

Mr. CHILTON. Directly; yes. The result is that they bring their cases to the Supreme Court, and they occupy much of the time of that court.

Mr. JAMES. So, instead of that, you now propose to send him up to New York? Is that it?

Mr. CHILTON. We send him to the circuit court of appeals for the first circuit.

Mr. JAMES. Which sits where?

Mr. CHILTON. It sits in Boston.

Mr. JAMES. And then he comes back, by way of Boston, to the Supreme Court?

Mr. CHILTON. Yes; just like the citizen of any one of the States.

Mr. JAMES. I am opposed to it.

Mr. THOMPSON. Mr. President, I should like to ask a question of the Senator from West Virginia. As I understand, Porto Rico is not in any circuit at all now?

Mr. CHILTON. Porto Rico is not in any circuit. Hawaii and Alaska are each in a circuit, and we propose to put Porto Rico in a circuit.

Mr. THOMPSON. This is not attempting to change circuits, or anything of that kind?

Mr. CHILTON. Not at all. It is only annexing Porto Rico to a circuit, so that a citizen of Porto Rico will have the same rights as to an appeal that any other citizen of the United States has.

Mr. THOMPSON. At the present time, as I understand, they have to appeal directly to the Supreme Court of the United States?

Mr. CHILTON. That is right.

The amendment was agreed to.

The next amendment was to strike out section 5 and to insert in lieu thereof:

No court of the United States shall have jurisdiction of any action or suit by or against any railroad company upon the ground that said railroad company was incorporated under an act of Congress.

Mr. CHILTON. As I said before, that is simply changing the language of the section as it passed the House. The Senate committee thought that the language of the amendment is a better way to express the purpose intended.

The amendment was agreed to.

The next amendment was to strike out section 6 and to insert in lieu thereof:

That this act shall not affect cases now pending in the Supreme Court of the United States or cases in which writs of error or appeals have been allowed at the date of its approval. And nothing in this act shall be deemed to repeal, amend, or modify the provisions of an act entitled "An act providing for writs of error in certain instances in criminal cases," approved March 2, 1907.

The amendment was agreed to.

Mr. SUTHERLAND. Mr. President, I do not want to delay the passage of this bill, because I regard it as a very necessary piece of legislation; but I received this morning a letter from a very prominent lawyer in Hawaii—I think the Senator from Wyoming [Mr. CLARK] received a similar letter—in which he stated that some members of the bar there are very much opposed to the provision of the bill which seeks to take from the Supreme Court of the United States the jurisdiction which it now has over appeals and writs of error from the Supreme Court of Hawaii, where the amount involved is \$5,000 or more.



I confess that such information as I have upon the subject inclines me to the view that the provision of this proposed law is a wise one. The Supreme Court of the United States ought to be relieved from appeals in that class of cases. But the writer of the letter also stated that a meeting of the bar of Hawaii is in contemplation at which this subject would be taken up. I am reluctant to ask that the bill be delayed until the bar can be heard from, because, as I have already stated, I think it is a very necessary piece of legislation, and if it should be delayed for any length of time it probably could not be passed at this session of Congress.

I am going to offer an amendment to come in at the end of section 2, on page 4, so that the matter may go into conference and there be considered. I have written the amendment somewhat hurriedly, and fearing that the Secretary may not be able to read it I will read it myself. Add at the end of section 2:

Writs of error and appeals from the final judgments and decrees of the Supreme Courts of the Territory of Hawaii and of Porto Rico wherein the amount involved, exclusive of costs, to be ascertained by the oath of either party or of other competent witnesses, exceeds the value of \$5,000 may be taken and prosecuted in the circuit courts of appeals.

The circuit courts of appeals are given jurisdiction over the district courts of Hawaii and Porto Rico, and it might be well if they are given the same jurisdiction over the supreme courts of those Territories. At any rate, I offer the amendment, and I hope the Senator in charge of the bill will not object to it and let it go into the bill, and inasmuch as the bill has to go to conference anyway this may be considered in connection with the other matters.

Mr. CHILTON. I should like to have the amendment read again.

The VICE PRESIDENT. The Secretary will read the amendment.

The SECRETARY. It is proposed to add to section 2:

Writs of error and appeals from the final judgments and decrees of the Supreme Courts of the Territory of Hawaii and of Porto Rico wherein the amount involved, exclusive of costs, to be ascertained by the oath of either party or of other competent witnesses, exceeds the value of \$5,000 may be taken and prosecuted in the circuit courts of appeals.

Mr. SUTHERLAND. The effect of it is to give the circuit courts of appeals to which Hawaii and Porto Rico are attached the same appellate jurisdiction the bill seeks to give over the district courts.

Mr. CHILTON. Of course, I have no right to accept the amendment, but after the statement of the Senator from Utah, who has given this matter much attention, I urge no objection to its going into the bill. It will probably go to conference and can be considered further. In the meantime the protest of the Bar Association of Hawaii will have been received and the Senator from Utah can speak more definitely upon the subject.

Mr. CLARK of Wyoming. Mr. President, adding to the suggestion of the Senator from Utah, it will be remembered that in the organization of the Territory of Hawaii a different judicial system was provided than had ever been provided for any Territory before that time. At the time that it became a Territory, or at the time that it became subject to the jurisdiction of the United States, they had a well-developed and fully equipped local judiciary system, and it was the purpose to incorporate that in bulk as far as possible into the new Territorial organization in order that there might not be any sudden disturbance of their judicial procedure. Therefore a different method was provided for reaching the Supreme Court of the United States, and it allowed appeals from the Supreme Court of the Territory of Hawaii, composed entirely of a local organization, to the Supreme Court of the United States in cases where the subject matter in controversy was over \$5,000.

I had, I suppose, a communication in substance such as that received by the Senator from Utah [Mr. SUTHERLAND], and it had been my purpose, had I been in the Chamber when the Senator from West Virginia first called up this measure, to ask that the bill might go over until to-morrow, perhaps, or the day after, in order that the formal views of the Hawaiian bar might receive consideration. But I realize that that is too late.

Personally I have an exceedingly high opinion of the bar of the Territory of Hawaii. I doubt if any jurisdiction in the United States of equal area and equal or far more population has a bar that would exceed in learning and in ability the bar of the Territory of Hawaii. I would be glad if an opportunity could be had for the views of their bar association to be expressed. I think, however, under the method suggested by the Senator from Utah that this appeal, instead of coming direct to the Supreme Court of the United States, may be allowed to the Circuit Court of Appeals of the Ninth Circuit.

Probably the differences and the inconveniences can be equalized, and I hope the amendment will prevail.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Utah [Mr. SUTHERLAND].

The amendment was agreed to.

Mr. CUMMINS. I ask that section 5 be read.

The VICE PRESIDENT. It will be read.

The Secretary read as follows:

No court of the United States shall have jurisdiction of any action or suit by or against any railroad company upon the ground that said railroad company was incorporated under an act of Congress.

Mr. CHILTON. That amendment was agreed to.

Mr. CUMMINS. My attention was distracted, and for the moment I did not know whether the section had been amended as we had agreed on it or not.

Mr. CHILTON. Yes; that has been agreed upon as a committee amendment.

Mr. CUMMINS. I see it has.

Mr. SAULSBURY. I desire to ask the Senator in charge of the bill why the first circuit was agreed upon as the circuit to which appeals might be taken from the local courts in Porto Rico and whether in determining which circuit appeals should be considered the committee took into consideration either the second circuit or the third circuit at Philadelphia.

I wish to say to the Senator in charge of the bill that a year or more ago I was in quite close communication with a number of lawyers in Porto Rico, and they at that time, I know, desired that their appeals and writs of error should be taken to Philadelphia. I do not know what their position is now, but it seemed to me that possibly that would be much more convenient for them than Boston. Of course the New York circuit would be the most convenient, because of the rapid exchange between New York and Porto Rico, but Philadelphia is within one hour of that port, where all the Porto Rico trade centers, although I think there are some boats running to Philadelphia, whereas Boston would be five hours and would be longer.

I only inquire so that I may know whether any consideration has been given to it.

Mr. CHILTON. I will say to the Senator that that was considered after many suggestions were made. There were two reasons why the first circuit was agreed upon by the committee unanimously. One was that it was thought that Boston, where the court is held, comes within the line of travel as nearly as any place would, and that docket was not crowded with business, and that court would probably take care of the business more expeditiously than any other circuit court of appeals. It was all discussed before the committee, and we came to that conclusion.

Mr. SAULSBURY. May I ask the Senator whether any representation was made by the bar of Porto Rico as to their desire regarding the circuit to which appeals and writs of error might be taken?

Mr. CHILTON. There was none before the committee of the Senate, as I recall.

Mr. SHAFROTH. I will state, if the Senator from West Virginia will allow me, that I received a communication from Judge Hamilton, who is at present judge at San Juan, P. R., and he prefers the Boston district. I also received, being chairman of the Committee on Pacific Islands and Porto Rico, a communication from some other party, saying that they thought it was more desirable that the Porto Rican courts should be in the first circuit than the one at Boston. As to distance, it seems to me to be very immaterial whether it is five hours or one hour or two hours. When people come for the consideration of business before a court it is not a question as to one or two or three hours.

I do not think there is any line of steamers that go to Philadelphia.

Mr. SAULSBURY. I think there is a line of fruit steamers.

Mr. SHAFROTH. That may be, but the passenger traffic goes to New York, and inasmuch as there is no certainty as to the arrival of the same, being sometimes delayed, they could get a hearing at Boston as well as at Philadelphia. The people down there seemed to think that the Boston court was a better court for them.

Mr. ROOT. Mr. President, I think that the disposition made in the bill by the House, and which was anticipated by the Judiciary Committee of the Senate, would facilitate the disposition of business coming from Porto Rico much better than to send it to the second circuit. The second circuit appears to be overburdened, and the effect of sending it there would be probable delay in the disposition of causes that come up. The opportunity to get a swift decision in the first circuit, I think,



is very much better. I think that is a wise disposition, and that was the view of the committee.

While I am on my feet I want to say one word particularly because of something the Senator from Kentucky [Mr. JAMES] said a few minutes ago. The transaction of business in Porto Rico and Hawaii and different outlying possessions has been gradually shaping down to a fixed course of procedure and a common understanding of the relations of the judicial proceedings in those islands to the general administration of justice in the United States. There was a period during which everything was chaotic; there were great misunderstandings and differences of understanding, and it was probably desirable at that time that the Supreme Court of the United States should supervise the settling of the law.

I think that time has passed. I think they are getting down to an ordinary regular course of procedure in the administration of justice, which makes it appropriate to apply to them the same principle with respect of appeals and with respect of the review of decisions which we apply to our own States. Inasmuch as it is quite certain that as we go on we must progressively relieve the Supreme Court, it seems to me that this step which puts Porto Rico on the same basis with Connecticut and Rhode Island and Vermont and the other New England States is timely and is called for.

The enormous growth of this country and the still greater growth of national business as compared with local State business and the great extension of the field over which national authority is asserted are creating an enormous number of new questions and increasing the burden upon the Supreme Court, and as the process of extension goes on that increase of burden will go on. The judges of our Supreme Court now are driven to the very limit of their human power to do their work, and if you drive them too hard, if you impose too great a body of duty upon them, you do not get good work; you do not get the operation of fresh and active minds, and thus we are going to have the great and all-important function for the whole country which is performed by the Supreme Court done in an inferior way. We must follow the increase of Federal business by relieving the Supreme Court from the less important in order that it may be able to do the more important part of its work.

This seems to me a plain and very desirable step in that direction, and no injustice is done to Porto Rico and Hawaii or any other island.

Mr. WALSH. Mr. President, I desire to inquire of the Senator from Utah, who offered the amendment, whether, under the existing law, there is any appeal from the trial courts in Hawaii to a court of review or appeal in the islands?

Mr. SUTHERLAND. Whether there is under existing law?

Mr. WALSH. Yes.

Mr. SUTHERLAND. An appeal lies now from the Supreme Court of the Territory of Hawaii to the Supreme Court of the United States—

Mr. WALSH. I understand.

Mr. SUTHERLAND. Where the amount involved is \$5,000 or more.

Mr. WALSH. What is the condition when the amount involved is less than \$5,000?

Mr. SUTHERLAND. Then the judgment of the Supreme Court of Hawaii is final. It is exactly the same provision that existed in the Senator's State when it was a Territory, and that existed in my State when it was a Territory.

Mr. WALSH. I understand. The supreme court is a court of appeals.

Mr. SUTHERLAND. Yes; the supreme court is an appellate court.

Mr. WALSH. Then, in the case of a judgment of \$5,000 or more, it would be tried in the first place in the lower court in Hawaii; it would then be reviewed by the Supreme Court of Hawaii, and then reviewed again by the court of appeals.

Mr. SUTHERLAND. Yes; where the amount involved is \$5,000 or more.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### REGULATION OF IMMIGRATION—CONFERENCE REPORT.

Mr. ROBINSON. I move that the Senate proceed to the consideration of the conference report on the immigration bill, being House bill 6060.

The motion was agreed to; and the Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6060) to regulate the immigration of aliens to and the residence of aliens in the United States.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. REED. Mr. President, on day before yesterday, when this conference report was under discussion, I was engaged in making some remarks upon it when the hour arrived at which, under a unanimous-consent agreement, we were compelled to take up another matter. I could, otherwise, then have concluded what I had to say in a very few moments. I desire now to supplement my remarks very briefly.

I had referred to the immigration of the black or African race to this country during the last few years. I desire to insert in the Record as a part of my remarks, without reading, a tabulation showing the amount of that immigration during the last five years.

The VICE PRESIDENT. Without objection, permission to do so is granted.

The table referred to is as follows:

*Immigration of black or African for the past five fiscal years.*

	Immigrants.			Nonimmigrants.			Total.		
	Arrivals.	Illiterates over 14 years of age.	Percentage of illiteracy of aliens over 14 years of age.	Arrivals.	Illiterates over 14 years of age.	Percentage of illiteracy of aliens over 14 years of age.	Arrivals.	Illiterates over 14 years of age.	Percentage of illiteracy of aliens over 14 years of age.
1910.....	4,966	838	18.6	2,029	366	18.9	6,995	1,204	18.6
1911.....	6,721	1,239	20.2	3,084	733	25.0	9,805	1,972	21.8
1912.....	6,759	1,226	20.0	3,098	625	21.2	9,857	1,851	20.3
1913.....	6,634	930	13.7	3,100	649	22.2	9,734	1,579	17.5
1914.....	8,447	1,805	23.3	4,011	1,085	28.2	12,458	2,890	25.0

Mr. REED. I also ask permission to insert in my remarks, without reading, statements of various educators of prominence in the United States, including certain statements of President Wilson, then governor of New Jersey and candidate for President, in criticism of the literacy test.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The statements referred to are as follows:

PRESIDENT WILSON ON IMMIGRATION—"AMERICA PROUD TO OPEN HER GATES TO EVERYONE WHO LOVED LIBERTY AND SOUGHT OPPORTUNITY."

On Wednesday afternoon, September 4, 1912, a delegation of about 100 journalists and editors of newspapers published in German, French, Italian, Hungarian, Polish, Jewish, Greek, Bohemian, and other languages met Gov. Wilson at the National Arts Club, in Gramercy Park, New York City. Herman Bernstein, the chairman, in his speech introducing Gov. Wilson to the writers, said, in part, as follows:

"You have brought with you your best traditions; you have brought your lofty ideals; you have brought your energy and earnestness; you have brought with you a love for your great literatures and your great cultures; you have brought with you the great past of your nations, and here in the furnace of tolerance and opportunity you are working out your own future together with the great future of the American people \* \* \*"

#### EXTRACTS FROM GOV. WILSON'S SPEECH.

Gov. Wilson then spoke to the representatives of the press present, as follows:

"Mr. Chairman and ladies and gentlemen, your very cordial and gracious greeting confirms the impression with which I came to this place. It confirms the impression that we are not separated in ideas or in opinions, that I am not the American and you the foreigners. That is exactly the impression which has never been in my mind, and your greeting of me shows me it is not in yours. Because there is a certain sense in which we do America an injustice by classifying ourselves as native born and foreign born. And I have always pleased

myself with the idea that America, in some degree, exists in spirit all over the world and that there are men coming to these shores who have displayed their force in our affairs, who bring to America a more vivid conception of what it means than those of us who were born and bred here ourselves entertain \* \* \*

#### OPEN SIGNS OF LIBERTY.

"If I go to a country reputed to be a country of equality and of liberty, I must expect to find constant, visible, and open signs of liberty and equality; and therefore I carry to that country a demand which that country must satisfy. But I carry it only on one condition, namely, that I have gone to that country with that idea. I carry it only as I have gone to America because I was really, without knowing it, born an American. I wanted that thing that I thought I could get in America, and therefore I broke the tender connections of old associations, the intimate connections of a birthplace, and went to a far country looking for an ideal. And that is the distinction between voluntary immigration and involuntary and assisted immigration, is it not? And that, it seems to me, furnishes one of the clues to the only basis that we can have when we discuss the limitations that must be put upon immigration.

"If we can hit upon a standard which admits every voluntary immigrant and excludes those who have not come of their own motion, with their own purpose of making a home and career for themselves, but have been induced by steamship companies or others to come in order to pay the passage money, then we will have what we will all agree upon as Americans. \* \* \*

#### WILSON A DIRECTOR OF A LIBERAL IMMIGRATION SOCIETY.

"Now, strange as it may seem to some gentlemen who have criticized me, the only blunder I have made, the only practical blunder I have made in my interest in a liberal policy with regard to immigration, is that I got into the wrong society to encourage it. So that it was an indiscretion of judgment and not an indiscretion of purpose, for my interest in immigration is to see that the immigrant is properly informed, is properly safeguarded against imposition of every kind, whether by the Government or anybody else, and is directed to the place where he can attain the objects he has come for with the greatest advantage to himself. That, to my mind, is the solution of the immigration question \* \* \*"

#### WILSON'S LETTER TO A WELL-KNOWN ITALIAN-AMERICAN IN CONNECTICUT.

The Democratic Party could not, without forgetting its very origin, advocate an illiberal policy in the matter of immigration. The party may almost be said to have originated in opposition to the alien and sedition laws, by which the Federalist Party sought to all but shut the doors against naturalization and at the same time silence the criticism of our own people against their Government. America has always been proud to open her gates to everyone who loved liberty and sought opportunity, and she will never seek another course under the guidance of the Democratic Party. I am in hearty accord with the ancient faith and practice of the party that has honored me by nominating me for President. \* \* \*

#### HIS LETTER TO DR. CYRUS ADLER, OF PHILADELPHIA.

I think that this country can afford to use and ought to give opportunity to every man and woman of sound morals, sound mind, and sound body who comes in good faith to spend his or her energies in our life, and I should certainly be inclined, so far as I am concerned, to scrutinize very jealously any restrictions that would limit that principle in practice. \* \* \*

#### WILSON'S LETTER TO THE "WARHEIT."

I, like the other Democrats, have always held liberal views with regard to immigration. I feel that it would be inconsistent with our historical character as a Nation if we did not offer a very hearty welcome to every honest man and woman who comes to this country to seek a permanent home and a new opportunity. \* \* \*

The attitude of the party and the strength of public opinion in this matter was shown in the most interesting way in the matter of the recent abrogation of our treaty with Russia—the whole country resenting any action on the part of a foreign Government which would discriminate against any American on any ground.

#### CARDINAL GIBBONS OPPOSED TO LITERACY TEST.

I am not in favor of any educational test as applied to immigrants desiring to enter the United States. Such a law, if passed, would, in my opinion, work great harm, for illiteracy is by no means always ignorance. If the immigrant is industrious and thrifty, he will make a useful citizen, whether he be literate or illiterate. The educated schemer is in more ways than one more dangerous than the honest workman, even though he be illiterate.

#### PRESIDENT ELIOT'S VIEWS.

I beg leave to invite your attention to the following statement of the principles which should govern the national legislation on immigration:

- (1) Our country needs the labor of every honest and healthy immigrant who has the intelligence and enterprise to come hither.
- (2) Existing legislation is sufficient to exclude undesirable immigrants.
- (3) Educational tests should not be applied at the moment of entrance to the United States, but at the moment of naturalization.
- (4) The proper education test is capacity to read in English or in the native tongue, not the Bible or the Constitution of the United States, but newspaper items in some recent English or native newspaper which the candidate can not have seen.
- (5) The attitude of Congress and the laws should be hospitable and not repellent.

The only questions which are appropriate are, Is he healthy, strong, and desirous of earning a good living? Many illiterates have common sense, sound bodies, and good characters. Indeed, it is not clear that education increases much the amount of common sense which nature gave the individual. An educational test is appropriate at the time when the foreigner proposes to become a voting citizen. He ought then to know how to read.

#### LITERACY TEST A PETISH.

I am a believer in a liberal immigration policy. The reading test is not a fair measure of desirability. It is a fetish that has been very unduly magnified.

My answer to your third question is, of course, no.

DR. G. STANLEY HALL,  
President Clark University, Worcester, Mass.

I do not believe in a literacy test for immigrants. I do believe, however, in the most rigorous tests of physical soundness and mental soundness. No one who is suffering from disease or who is mentally defective should be admitted.

DR. WILLIAM H. MAXWELL,  
City Superintendent of Schools, New York City.

I am not opposed to a liberal immigration policy. I do not believe that a reading test is entirely fair as a measure for determining the desirability of an immigrant.

I do not believe that immigrants fleeing from religious or political persecution should be subjected to a literacy test, should such a test be enacted.

It seems to me American experience is proving that the immigration problem is a serious one chiefly for two or three reasons:

First, because we have been receiving a large number of immigrants of a quality made inferior by a selfish system of class exploitation in Europe.

Second, after arriving in America the immigrants are often further exploited in industry and corrupted in politics by unscrupulous Americans.

Third, this has been somewhat due to the lack of a public point of view in the leaders of industry and politics, owing to a somewhat confused and disorganized system of hostile competition in social affairs, now beginning to be corrected.

DR. C. J. BUSHNELL,  
President Pacific University, Forest Grove, Ore.

#### LITERACY TEST POOREST OF ALL.

The literacy test is the poorest of all. People who flee from religious persecution, no matter how ignorant, are people worth while. The vast horde of degenerates who have been pouring into this country are for the most part able to read and write. They are shrewd and cunning, and they have no place in a civilized country. \* \* \* The honest and industrious and healthy immigrant of good stock, no matter whether he is able to read or write, should be welcomed to our shores.

DR. EDWIN B. CRAIGHEAD,  
President University of Montana, Missoula, Mont.

#### "LITERACY NOT ALWAYS AN ADEQUATE TEST OF QUALITY."

Your favor of the 14th instant is at hand. It has never seemed to me advisable to establish a literacy test for immigrants, because, in my opinion, literacy is not always an adequate test of quality. If we can establish a test which will exclude those who are really undesirable—that is, who are unlikely to make intelligent, industrious, and law-abiding citizens—such test I should approve. I do not believe that the literacy test conforms to that condition.

HARRY PRATT JUDSON, LL. D.,  
President University of Chicago, Chicago, Ill.

#### CAN ADMIT IMMIGRANTS WITHOUT EDUCATION BETTER THAN HUNDRED YEARS AGO.

Gladly do I avail myself of the opportunity you have offered me to say a few words on the question of immigration. It seems to me clear that we have always been able to assimilate the immigrants that come to our hospitable shores whenever they came with sound moral principles and the firm desire to better their lot. Read the roster of our great men these days and you will find them children of men that came over here to escape persecution, without, perchance, the knowledge of the alphabet. We want just such men in our day—men of sterling worth, that respect the law of God and the Commonwealth, who stand for the nobler things in life, who will teach their children such lessons. The next generation will see to the reading. Ours is an immense Commonwealth, and the population is so large now that we can admit immigrants without education better than we could a hundred years ago, and yet our country prospered and kept pace of all other nations in civilization and progress.

According to the opinion of all thinkers the Nation's troubles lie more in the absence of moral principles and the want of respect for law and rightly constituted authority than want of education, and many of our best-instructed men are our greatest rascals.

I believe, then—

- (1) In the liberal immigration policy.
  - (2) I hold that the reading test is certainly not a fair measure of the desirability of the admission of an immigrant, though, if all things else were equal, we prefer educated men.
  - (3) Above all, it seems to me against all the best traditions of our country to refuse shelter to men who flee to our shores to have civil and religious liberty, though they may not be able to read.
- I am in thorough sympathy with that magnificent man that rules the Nation to-day, and I can only hope that our Congress will follow his lead in this as in other matters.

EDWARD CUMMINGS, S. J.,  
President Spring Hill College, Mobile, Ala.

#### ILLITERACY "A MERE ACCIDENT."

In reply to your questions—

- (1) I wish to state definitely that I am in favor of a liberal immigration policy;
- (2) That I do not think a reading test to be a fair measure for determining the desirability of an immigrant; and
- (3) That it would be a barbarous proceeding to subject persons fleeing from religious and political persecution to a literacy test.

Illiteracy is a mere accident, that may affect a family in one generation but be conspicuously absent from succeeding generations. Thousands of our best people are descended from illiterate ancestors, and as long as the country is only one-fifth really occupied our policy should be the wise policy that has hitherto prevailed.

LYON G. TYLER, LL. D.,  
President College of William and Mary, Williamsburg, Va.

#### LITERACY TEST SUPERFICIAL.

If you interpret "liberal immigration" to mean an immigration without any restrictions, I am opposed to it. I think the United States Government may wisely restrict and even prohibit, in cases, immigration.

I do not believe that a reading test is a fair standard by which to determine the desirability of an immigrant. Unquestionably, immigrants who could not measure up to the most rudimentary test of literacy may yet be industrious, honest, and very desirable men.



I do not believe that immigrants such as Russian Jews, who are evidently fleeing from religious and political persecution, should be subjected to the literacy test. However, it does not necessarily follow that they should be subjected to no test whatsoever. In brief, I am convinced that the literacy test is very superficial in any case.

GEORGE LEWIS MACKINTOSH, D. D.,  
President Wabash College, Crawfordsville, Ind.

CAN NOT RESPECT INTELLIGENCE OF MAN WHO MAKES LITERACY TEST OF FITNESS.

I am not opposed to a liberal immigration policy. I do not believe that the reading test is a fair measure for the determination of an immigrant's desirability. I can not respect the intelligence of the man who can make literacy the test of fitness, and I am driven to suspect some underlying motive—which he is ashamed to make public—in the statesman who would make this test the law.

If the literacy test should be enacted, I believe in making the exceptions as numerous as possible, and first on the list of exceptions should be placed those who flee to us from religious and political persecutions.

BERNARD J. OTTING, S. J.,  
President St. Louis University, St. Louis, Mo.

TOTALLY OPPOSED TO BURNETT BILL.

I am totally opposed to Mr. BURNETT's bill now before Congress for the restriction of immigration by means of a literacy test. There are a number of respects in which we can not be too strict in admitting immigrants, but some of the least desirable persons who come to this country to live are persons who would have a quite abundant entrance so far as any literacy test is concerned.

With reference to the first question, as to whether I am opposed to a liberal immigration policy, I would say that the question is, to my mind, a little vague. I am in favor of a policy which is very strict in requiring physical and moral fitness and a sane attitude toward government as such.

I would answer the second question that you ask in the negative. A reading test is not a fair measure for determining the desirability of an immigrant. There should be, in my judgment, some such test before naturalization.

As to the third question, my position will be plain from what I have already said. Least of all, should well-disposed, industrious, and physically healthy people who are suffering religious and political persecution be hindered from entering our country. We would be very recreant to the spirit and purpose of the forefathers of this Nation should we adopt such a test.

DR. D. E. JENKINS,  
President University of Omaha, Omaha, Nebr.

I hasten to say that I am most emphatically a believer in a liberal immigration policy and I do not believe that a reading test should be applied in any case. It is not the proper way of determining who are undesirable immigrants.

DR. THOMAS MCCLELLAND,  
President Knox College, Galesburg, Ill.

I do not believe a reading test for determining the desirability of an immigrant is a proper measure, and I do not believe immigrants fleeing from religious and political persecution ought to be subjected to a literacy test.

DR. A. W. HARRIS,  
President Northwestern University, Chicago, Ill.

I am not opposed to a liberal immigration policy. I believe, however, that such restrictions should be imposed as would prevent persons who are disqualified for life and work in our country, on moral and physical grounds, from entering the United States.

I do not believe that a reading test is a fair one of the desirability of an immigrant. Moreover, it involves complications that I think make a proper application ineffective. Many of the immigrants of comparatively high intelligence are the ones that are the least fitted for the privileges and liberties of our country.

DR. DAVID R. BOYD,  
President University of New Mexico, Albuquerque, N. Mex.

"INADEQUATE AND MISLEADING."

I am not in favor of a literacy test for immigrants to this country. It would be inadequate and misleading, often resulting in the exclusion of worthy and desirable additions to our population. There may be other causes than inability to read and write, such as a criminal record or a diseased condition of the body, which might make exclusion appropriate. But I believe that these things should be attacked openly and directly, and that effective means should be devised, if they do not already exist, to keep out really undesirable persons. Illiteracy, while regrettable, is not necessarily an indication of the lack of those fundamental virtues which contribute to the making of a good citizen.

GEORGE S. DAVIS, LL. D.,  
President of the Normal College of the City of New York.

RESTRICTION UN-AMERICAN.

I am convinced that the effort to restrict immigration by a literacy test is un-American as well as unwise. The training of the will to right conduct is more important for American citizenship than a literary training, and thousands of desirable citizens have received training of the will through religion and the influence of virtuous homes, though the opportunity for even elementary education in the schools has been denied them. Virtue is not dependent on letters, and virtue, not letters, is the right foundation for American citizenship.

JOHN CAVANAUGH, C. S. C.,  
President University of Notre Dame, Notre Dame, Ind.

HOPES BURNETT BILL WILL NOT PREVAIL.

Your letter inclosing a press sheet on the subject of immigration and making certain inquiries of me as to my position in the matter has come to hand this morning. I am able to reply at once, because for many years I have held a very consistent position upon the matter.

I am greatly in favor of a liberal immigration policy. I regret very much the pressure from different parts of the country to restrict immigration unduly. I believe that if our present laws relating to undesirable immigrants are enforced, they will keep out of the country all whom we ought to exclude. I do not believe that a reading test is a fair measure for determining the desirability of an immigrant. Some

of the best immigrants who ever came to America could not read when they landed, but settled down into helpful American lives. I do not believe that a literacy test should be enacted. I am perfectly willing at all times and in all places to declare this view.

Hoping that any bill to this effect will not prevail with Congress, I am,

STEPHEN M. NEWMAN, D. D.,  
President Howard University, Washington, D. C.

LITERACY TEST NOT A FAIR MEASURE.

In answer to yours of the 14th instant, I will say that I am very strongly in favor of an immigration policy which will exclude a large number of persons who are not now kept out of this country, namely, criminals, the physically and morally unfit. I am aware that the present laws are supposed to exclude such persons, but as a matter of fact, many of them find entrance into the United States under the present laws.

Second, I do not believe that a reading test is a fair measure for determining the desirability of an immigrant. It seems to me that the physical and moral qualifications are far more important.

Third, I believe that immigrants fleeing from religious and political persecutions should not be subjected to a literacy test should such test be enacted.

HERBERT L. STETSON, D. D.,  
President Kalamazoo College, Kalamazoo, Mich.

LIBERAL IMMIGRATION—"HUMANE AND GOOD POLICY."

In reply to your questionnaire on the subject of immigration, I beg to say, first, that I am in favor of a liberal immigration policy, particularly toward that class of immigrants who from their antecedents or through any influence, that can be brought to bear upon them, can be disseminated over the country and induced to settle upon land as over against the tendency to gather in cities.

Second, the literacy test is of some value, but it is not a fair measure of the desirability of an immigrant. It should not be the sole test. There are many valuable men and women who could be of service in this country who possibly can not read and write.

I am aware of the variety of opinions on the subject of immigration and grant that we have perhaps too many foreigners of inferior grade in our large cities, but in the country there is a constant need of laborers, both men and women, and that is particularly true through the great central portions of the United States. These people have to give that which we need and they need that which we have to give. It seems to me humane and in the end a good policy to make this exchange.

WINTHROP E. STONE, LL. D.,  
President Purdue University, Lafayette, Ind.

"MELTING POT" DOES ITS WORK EFFECTIVELY AND ADVANTAGEOUSLY.

I am not opposed to a liberal immigration policy except to the extent of believing that we should ascertain whether our immigrants be honest and healthy. It does not seem to me that a reading test is a fair measure for determining the desirability of an immigrant; nor do I think that such a test, if enacted, should be imposed on immigrants fleeing from religious or political persecution. I used to incline toward a belief in much stricter immigration laws, but upon becoming acquainted with the sons and daughters of possibly objectionable immigrants, I saw that the "melting pot" does its work effectively and advantageously.

JAMES A. B. SCHERER, LL. D.,  
President Throop College of Technology, Pasadena, Cal.

Mr. REED. I also desire to place in the Record editorials from the St. Louis Republic, of January 9 and January 13, 1915, entitled "Never a worse time" and "The illiterate immigrant."

THE VICE PRESIDENT. Without objection, it is so ordered. The editorials referred to are as follows:

NEVER A WORSE TIME.

The manifest unfairness of the immigration bill as it came from the Senate with its amendment exempting Belgian farmers from the literacy test was not overlooked in the House, where the amendment has been rejected; but by eliminating that discrimination the House merely intensifies the cruelty of the bill, which now shuts the door of America in the face of every war-cursed illiterate in Europe, Belgians and all. No matter what their suffering may have been, no matter how unjustly they may have been treated, no matter how useful, how good, or how strong they may be, the bill as it stands says to every European who can not read, "You must stay out." Is that typical of American character or are we represented by the thousands of generous people who are now helping to load ships with food and clothing for the victims of the war without regard to their nationality, their station in life, or the fortune which gave them a schooling or denied it?

Once again the Republic insists that there never was a worse time for the passage of a restrictive immigration law in the history of this country than now. Immigration is at a low ebb and the war will keep it so. If there are any of the oppressed of Europe who can escape from the zone of war to this country, whether they be Belgian or Turk, they ought to be permitted to come. There will be time enough to frame a just immigration law when the distress in Europe is less and conditions in this country favor a clearer vision.

THE ILLITERATE IMMIGRANT.

There is a foolish streak somewhere in the wisest man, and the same thing is true of legislative bodies. The present Congress will long be remembered as the most efficient lawmaking body that has sat in Washington in 50 years, but in passing an immigration bill imposing a literacy test it has temporarily mislaid its judgment.

I take three things to make an immigrant out of a man and send him across the sea to a new land with a strange language. He must have a good deal of courage, or he would never make the venture; a good deal of thrift, or he could never get the money together working at the wages paid in the countries that furnish us immigrants; a good deal of dissatisfaction with his surroundings, or he would stay in them. We only get discontented or ambitious people—how discontented or ambitious we may judge by asking ourselves how much it would take to induce us to emigrate to a land of strange customs and strange language.



Now, the literacy question in connection with immigration reduces itself to this: Does it pay us to shut out the kind of man who immigrates simply because he has not had a chance to learn to read?

Here is a Magyar, born and brought up in a little village in the midst of the great Hungarian plain. He can neither read nor write; three-quarters of the people in his village are in the same case. He has a desire for better things; the boy walks to Budapest and gets a job unloading steamers on the quays of the Danube, under the shadow of the great castle on the rock. He eats the coarsest fare; his feet are bare and his legs, too, up to the short trunks of coarse blue cloth which cover his thighs. Here, on the quay, he hears about America from a man whose brother is in St. Louis. He forms a mighty resolve. He begins to save money, a few heller at a time. It is the work of years; he falls ill with fever, and some of his precious money goes in the weeks of weakness that follow the discharge from the hospital. Finally, however, he steps proudly abroad the ship at Fiume bound for America.

What makes America rich? Our greatest wealth is in the spirits and souls of men. We may put inspectors at Ellis Island who will accurately determine the health and physical force of every immigrant, count his money, and test his knowledge of books. But all this only touches the surface. It takes no account of the invisible riches of faith, hope, purpose—the vision that sees things hidden beneath the horizon, the soul that clings to an ideal in spite of the handicap of ignorance and poverty and lack of opportunity.

In the old days, when children at school "spoke pieces," we used to memorize extracts from the utterances of great Americans who praised this Nation as "a refuge for the oppressed from all nations." It is an old-fashioned conception perhaps, but the Republic is glad to go back to it. Our modern statesmen are willing to have America still the refuge for the oppressed among all nations, provided, however, that the oppression has never proceeded far enough to deprive them of the opportunity to learn to read. If a man has been the victim of oppression, to that extent they will none of him.

The proposition to exclude immigrants who can not read is snobbish and un-American and undemocratic. The bill containing it ought to be vetoed. The sons and grandsons of European illiterates who were such because they never had opportunity to learn are to-day coming from American colleges and universities. One of the things that lured those men on was hope of schooling for their children. The Republic is heartily glad that they, so poor in learning, so rich in self-sacrifice, and the vision of better things, were not excluded from the "land of promise" they labored against such difficulties and discouragements to possess.

Mr. REED. I also desire to insert as a part of my remarks an article from the New York Times of December 12, 1914, the author of the article being Mr. Max J. Kohler.

The VICE PRESIDENT. Without objection, it is so ordered.

The article referred to is as follows:

EFFECTS OF THE WAR ON IMMIGRATION—HISTORY OF OTHER WARS SHOWS THAT INFLEX SHOULD NOT BE ABNORMALLY HEAVY WHEN PEACE COMES.

The theory that after the close of the present war we will at once have an unprecedentedly heavy immigration to the United States has been given wide currency recently, particularly by Congressman BURNETT, chairman of the House Committee on Immigration, in order to secure the passage of the Burnett-Dillingham bill, containing a literacy test and other restrictive provisions, but while at first blush this prediction seems reasonable a closer study of conditions exposes its fallacy.

The argument has had wide publicity to counteract the obvious fact that immigration has now practically ceased, on account of the war, and that, therefore, new and convincing reasons now exist for not enacting the literacy test which had been vetoed by Presidents Cleveland and Taft, and which President Wilson expressed disapproval of during the last presidential campaign. It would seem that Congress might properly wait, even with consideration of this measure, till facts attest the correctness of the theory that immigration will become abnormally heavy. But while, of course, immigration will approximate more closely to normal figures after the war is ended important factors restraining it will continue to be potent. First of all, immigration has for its nucleus the classes of military age now engaged in active military service whose numbers the war is enormously decreasing by death, wounding, and illness. For example, during the fiscal year ending June 30, 1913, less than 6 per cent of the immigrants admitted were over 45 years of age, and it is well known that the alien over that age who does not receive an unfavorable medical certificate calculated to exclude him under our strict medical examinations is rare indeed, even aside from the fact that older people are not generally disposed to migrate to new lands.

A reduction in the number of adult males under 45 coming over enormously reduces also the number of wives and minor children or aged parents or grandparents ordinarily accompanying them or apt to be sent for by them, so that the ranks of potential immigrants are at once enormously reduced.

Next we must consider the fact that the immigrants are not recruited in general from the lowest classes abroad, economically or from the point of view of intelligence, as the Immigration Commission demonstrated. A relatively considerable amount of money is essential to defray the expenses of the journey and to exhibit and use on arrival, and the war has enormously impoverished the ranks of the possible immigrants, making it impossible for them to emigrate. This factor is strongly augmented by the fact that a large majority of immigrants are normally encouraged to come to join relatives and friends already here, who normally look out for them, but who know that economic conditions here now prevent them from holding out such encouragement to prospective arrivals. For example, the panic of 1907 caused a decrease in the number of immigrants from 1,285,349 for the year ending June 30, 1907, to 782,870 for the next year.

Moreover, the wounded and widows and orphans likely to become a public charge are of course excluded by the provisions of the present law, and, despite sympathy for victims of this terrible warfare, the immigration officers err quite regularly against the immigrants by excluding them rather than in their favor by admitting doubtful cases. Further, if the promises supposed to have been made to persons fleeing from religious and political persecution are realized, as, for instance, Russia's alleged promises to the Poles and the Jews, one of the chief incentives to immigration will be removed.

If we examine historical precedents since our Government began to keep statistics of immigration, in 1820, we shall find that they bear out these views. Two European wars since then have been waged which might have appreciably affected our immigration—the Crimean War (1853-1856) and the Franco-Prussian War (1870-1). As to

the former, Mr. Stanley C. Johnson, in his able recently published History of Emigration from the United Kingdom to North America, points out that the Crimean War materially reduced British emigration during its course, the figures for 1852, antedating the war, of 255,015 being reduced to 209,154 for the year 1857, following its close, instead of being increased. Our own American figures for the two years in question are to the same effect and exhibit a fall from a total of 371,603 in the year 1852 to 251,306 in 1857, and only 123,126 in 1858. As regards the Franco-Prussian War, the figures for the year 1869 of 352,768 sank in 1871 to 321,350, and were 404,806, 459,803, and 313,339 in the following years. It is interesting to observe that Commissioner Howe, of Ellis Island, has correctly gauged such influences in denying the accuracy of a prediction of a large increase after the war. He is reported as supplementing the factors above referred to as follows:

"The lure of America for the immigrants will be less strong, compared with the immediate opportunity to be found at home. \* \* \* When the war is over each country will make heroic efforts to recover lost ground and greater inducements than ever will be offered to keep citizens at home. \* \* \* It is safe to assume \* \* \* that the great countries now engaged in war will bend every energy, once the conflict is over, to give every citizen within their boundaries a job and keep him at it."

While even our sympathy for the suffering ought not to sway us to admit persons properly excludable under the existing law, it would be unspeakably cruel at present to establish unnecessary and ill-advised new restrictions against desirables seeking an asylum here after suffering abroad from this horrible combat. The exemption of religious refugees from the illiteracy test is so badly phrased in the Burnett-Dillingham bill as to be practically worthless, although alien illiteracy is often a direct result of foreign discriminatory educational laws and regulations.

Mr. REED. I desire also to insert a very powerful editorial in opposition to the literacy test which appeared in the St. Louis Post-Dispatch of January 12, 1915.

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial referred to is as follows:

#### THE LITERACY TEST.

It is gratifying to note that the President affirmed to the delegation of Chicago women who protested against the literacy test in the immigration bill his opposition to that measure.

The opposition stands on solid American ground. The bill is un-American. It is contrary to the fundamental principle of liberty and justice upon which the Republic is founded. It is contrary to the spirit of America.

The bill in detail is full of gross faults. It is difficult of enforcement and would work many hardships upon innocent and worthy immigrants. It would divorce husband from wife and separate parents from children. It proceeds upon the wrong theory in that it makes mere ignorance of letters—the fruit of oppression—the test. The true tests are character and industry. Men without education may be good workmen and good citizens. They may be eager to obtain the educational advantages of which they have been deprived by social or political oppression. They may be eager to have their children enjoy the advantages they lack. Honesty and industry and good intent are the real tests of the fitness of immigrants to gain the chance to enjoy the better conditions and opportunities offered by America as compared with many other countries.

Some of the richest contributions to American resources and achievements have come from uneducated peasants from Europe or their immediate descendants.

The pending bill denies the right of men to freedom of movement in the pursuit of life, liberty, and happiness—of better social, industrial, and political conditions. It will be a sad day for the world when America furls the banner of asylum for the oppressed by making the effect of oppression the bar to liberty.

The measure was conceived in racial prejudice and born of intolerance which are obnoxious to American principles and institutions and which should be eliminated, not nourished by law.

The adoption of the bill by the Senate discredited the sincerity as well as the Americanism of the Senate majority. Is the House also ruled by hypocrisy, intolerance, and prejudice?

Mr. REED. Mr. President, I have taken much of the Senate's time in discussing various phases of the immigration bill. I desire, in conclusion, to say that I am now and always have been in favor of every test being applied which will keep out of this country people who are unfitted for citizenship—unfitted because of any reason, whether it be race or the condition of the immigrant's health or the condition of the immigrant's morals.

I am unalterably opposed and always have been unalterably opposed to the promotion of immigration by those selfish interests which bring to this country under contract hordes of people whose advent here under such contract means the beating down of the standard of American wages. Those contracts are not only unfair to the American laborer, but they are unfair to the immigrant himself, because they are made with the immigrant when he has no opportunity to be advised with reference to the conditions of living or the conditions of labor or the cost of living in this country; he being unadvised and being in ignorance regarding these important matters is called upon to contract with shrewd, keen, and possibly dishonest men who are advised.

There are many other arguments against contract labor; there are many arguments equally strong against the promotion of immigration by steamship and other transportation companies. No one can desire more than do I that all those methods shall absolutely cease; no one is more willing than I to carefully guard our portals against the arrival here of those who are diseased and those who belong to indolent, nonsupporting classes. I am ready to go beyond that and to exclude every race of men who, as a race, are incapable of appreciating



American institutions and of becoming a part of the political, commercial, and social life of this Republic; but I am unwilling to exclude a man or a woman from the right to enter this land simply because, through oppression and tyranny, they have been denied the opportunity to secure an education. That is not the proper test. I have placed in the Record the opinion of great educators in opposition to this test, and at their head is the President of the United States, as evidenced by the letter I have read into the Record.

In regard to the literacy test and the reason for its having been placed in this bill let there be no possible doubt. The committee give us their reason in their report, and the reason they give is that they have placed the test in the bill not for the purpose of excluding a class of people unfitted for American citizenship but because of a desire to cut down and restrict immigration as an original proposition. I desire, Mr. President, to call attention to this language from the report:

The bill contains one provision intended directly to restrict immigration, although said provision is also, incidentally and to a certain extent, selective in its operation. The "illiteracy test" has been adopted as the best device so far suggested for reducing immigration where it most needs to be reduced.

Mr. President, I am well aware that this bill will pass, and I do not desire to further detain the Senate. All I can do is to protest against this un-American and unjust policy. It is at war with every tradition of our country; it is at war with every tradition of the Democratic Party. As I have already stated, the Democratic national committee sent out tens of thousands—yes, hundreds of thousands—of copies of the letter of Mr. Wilson, and those letters were placed in the hands of the foreign-born population of the United States by the Democratic national committee in order to give them assurance that this restrictive legislation would not be adopted. I do not claim that the committee had the authority to bind the conscience or control the vote of any Senator; but I do say that when these letters were sent out to the voters and when I, at least, was a party to the sending of them out, so far as I am concerned, I feel myself bound not only so far as my action is concerned, but I feel impelled to call the attention of Democratic Senators to the fact.

Mr. President, I thank the Senate.

The VICE PRESIDENT. The question is on agreeing to the conference report. [Putting the question.] The "ayes" seem to have it—

Mr. REED. Mr. President, in view of the decisive vote before, I will not demand a roll call.

The VICE PRESIDENT. The ayes have it, and the conference report is agreed to.

Mr. ROBINSON. Mr. President, I ask leave to insert in the Record a brief statement regarding amendment No. 15, which was eliminated by the conference report and which I did not explain the other day. I will not ask that it be read.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement referred to is as follows:

As amendment No. 15 was discussed at some length on December 10 and again on December 15 before it was placed in the act by the Senate, and as the vote to adopt it was 45 yeas and 6 nays a brief explanation to the Senate as to why the House conferees thought the Senate should recede thereon and as to why the Senate conferees agreed to so recommend seems to be in order.

It will be recalled that the words "mental or manual" were inserted in the definition of contract laborer in response to a recommendation from the Commissioner General of Immigration and the Secretary of Labor, their object evidently being to make the language of the law perfectly clear and have the new statute fully accomplish the purpose of the existing one. It is understood that the department's difficulty in this regard arose from the handing down over four years ago by the Attorney General of an opinion restricting the operation of the statute to laborers engaged in occupations in which manual elements predominate over mental. The conference committee's recommendation is not due to concurrence in the construction of the law which limits its operation to manual laborers, but is due solely to the belief that the definition of the term "contract laborer" as it stands in the existing law and is repeated in the pending measure is clearly to the contrary effect without the insertion of the words "mental or manual."

#### CALLING OF THE ROLL.

Mr. VARDAMAN. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Gallinger	Lane	Poindexter
Borah	Goff	Lea, Tenn.	Ransdell
Burton	Gore	Lee, Md.	Robinson
Camden	Gronna	Lippitt	Saulsbury
Clapp	Hitchcock	Lodge	Shafroth
Crawford	Hollis	Martine, N. J.	Sheppard
Culberson	James	Nelson	Sherman
Dillingham	Johnson	Norris	Simmons
du Pont	Jones	Page	Smith, Md.
Fletcher	Kern	Perkins	Smoot

Stephenson	Thompson	Vardaman	Williams
Sterling	Thornton	Walsh	Works
Stone	Tillman	Weeks	
Swanson	Townsend	White	

The VICE PRESIDENT. Fifty-four Senators have answered to the roll call. There is a quorum present.

#### DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. SMITH of Maryland. I move that the Senate proceed to the consideration of House bill No. 19422, being the District of Columbia appropriation bill.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19422) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916, and for other purposes.

The VICE PRESIDENT. The Secretary will state the pending amendment.

The SECRETARY. The pending amendment is at the bottom of page 59, where the committee proposes to insert—

Mr. SMITH of Maryland. I ask that that amendment may be passed over for the present. The Senator from Ohio [Mr. POMERENE] desires to say something in regard to it, and I observe he is not present in the Chamber at this time.

The VICE PRESIDENT. The amendment will be passed over. The Secretary will state the next amendment.

The next amendment of the Committee on Appropriations was, on page 60, after line 7, to insert:

For repairing public crematory, \$2,000.

Mr. GALLINGER. Mr. President, I will ask the Senator in charge of the bill if the amendment on page 57, lines 13 to 18, inclusive, was passed over?

Mr. SMITH of Maryland. As I understand, it was agreed to.

Mr. GALLINGER. I think, then, it ought to be reconsidered. I find by reference to the statutes that the act to prevent the spread of contagious diseases in the District of Columbia enumerates the contagious diseases, including leprosy, and that that matter is placed by statute entirely in the hands of the health officer of the District of Columbia. It seems to me that if, in the face of that statute, we now place this particular matter in the hands of the United States Public Health Service there will be found to be a conflict of authority.

Mr. SMITH of Maryland. I will say to the Senator that if that is the case we were led astray in the information given us, which was to the effect that there is at present no such authority.

Mr. GALLINGER. We were; but it is included in this statute as one of the contagious diseases, and is entirely within the jurisdiction of the health officer.

Mr. SMITH of Maryland. Then will the Senator make the motion to reconsider?

Mr. GALLINGER. I move to reconsider the vote whereby the amendment was agreed to.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from New Hampshire.

The motion to reconsider was agreed to.

Mr. GALLINGER. Now I ask that the amendment may be disagreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Courts," on page 62, line 9, after the word "fees," to strike out "\$3,000" and insert "\$3,250," so as to make the clause read:

For witness fees, \$3,250.

The amendment was agreed to.

The next amendment was, on page 62, line 15, after the words "In all," to strike out "\$13,500" and insert "\$13,750," so as to make the clause read:

In all, \$13,750.

The amendment was agreed to.

The next amendment was, under the head of "Courts and prisons," on page 64, line 9, after the words "Attorney General," to strike out "\$80,000" and insert "\$90,000," so as to make the clause read:

Support of convicts: For support, maintenance, and transportation of convicts transferred from the District of Columbia; for expenses of shipping remains of deceased convicts to their homes in the United States, and for expenses of interment of unclaimed remains of deceased convicts; for expenses incurred in identifying and pursuing escaped convicts and for rewards for their recapture; to be expended under the direction of the Attorney General, \$90,000.

The amendment was agreed to.



The next amendment was, under the head of "Charities and corrections," subhead "Reformatories and correctional institutions," in the item of appropriation for the maintenance of the Washington Asylum and Jail, on page 67, line 2, after "\$1,200," to insert "operator of X-ray machine, \$600; pathologist, \$600; anesthetist, \$300," and in line 3, after the words "in all," to strike out "\$27,010" and insert "\$28,510," so as to read:

Registered pharmacist, who shall act as hospital clerk, \$720; gardener, \$540; seamstress, and housekeeper, at \$300 each; laundryman, \$600; assistant laundryman, \$365; 3 laundresses, at \$360 each; 2 chambermaids, 3 waiters, and 7 ward maids, at \$180 each; temporary labor, not to exceed \$1,200; operator of X-ray machine, \$600; pathologist, \$600; anesthetist, \$300; in all \$28,510.

Mr. SMOOT. Mr. President, may I ask the Senator having the bill in charge who has attended to the work of the operator of the X-ray machine for the Washington Asylum and Jail in the past?

Mr. CHAMBERLAIN. Mr. President, I can answer that question. I will say to the Senator that they have had no operator of an X-ray machine, nor have they had an X-ray machine. What is done now with the poor, unfortunate people who are taken to the hospital is this: If a man is brought there supposedly with a broken hip or other broken bone, a gunshot wound, or something of the kind, they have to place him in an ambulance and haul him a mile or more to have him examined at the Emergency Hospital, and then take him back to the place from whence he started. The purpose of this amendment is, as the Senator will notice, in line 12, to furnish an X-ray machine for these very purposes and a man to operate it.

Mr. SMITH of Maryland. There has been none in the past; but there is to be an X-ray machine, and therefore they will have to have somebody to operate it.

Mr. SMOOT. I knew there had been none in the past, and I wanted to know where the work had been done.

Mr. SMITH of Maryland. We have appropriated an amount of money to buy one, and, of course, it is necessary to have a man to operate it.

Mr. SMOOT. I will state to the Senator that of course I knew that the bill provided by amendment for the purchase and installation of an X-ray machine, and \$1,000 for the purchase and installation of pathological equipment.

Mr. CHAMBERLAIN. With reference to that latter item in regard to a pathologist, I want to say to the Senator the young surgeons out there have given their services for nothing, and in order to have a pathologist, who is a man very much needed, they go down in their own pockets and pay him themselves in addition to furnishing their services free to the Government. I have been out there a number of times and have taken a good deal of interest in it, and I say in all frankness to the Senator those unfortunates out there are not treated as well as cattle in my State. It was with that end in view that these amendments were added to the bill.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the report of the Committee on Rules.

Mr. SMITH of Maryland. I ask unanimous consent that we may proceed with the consideration of this bill.

The VICE PRESIDENT. That is, to temporarily lay aside the unfinished business and proceed with the appropriation bill. Is there objection?

Mr. JONES. With the understanding that that will come up immediately upon the conclusion of the reading of the bill for action upon the committee amendments, I will have no objection.

Mr. SMITH of Maryland. That is the request—that it be temporarily laid aside and we proceed with the consideration of this bill.

Mr. JONES. And there will be no objection to taking it up, as I have suggested?

Mr. SMITH of Maryland. That is the understanding.

The VICE PRESIDENT. The unfinished business is temporarily laid aside by agreement.

Mr. SMOOT. I want the Senator from Oregon to understand that all I inquired about was as to where this work had been done in the past.

Mr. CHAMBERLAIN. At the Emergency Hospital.

Mr. SMOOT. I certainly do not object to the provision for the purchase of an X-ray machine and \$1,000 for the purchase and installation of pathological equipment for the Washington Asylum and Jail. I sincerely hope when the bill comes into conference these items will remain in the bill. I understand they were presented to the House, and the House refused to insert them.

The amendment was agreed to.

The next amendment was, on page 67, line 11, after the word "apparatus," to strike out "\$2,000" and insert "\$5,750, \$2,750 of which sum to be used for the purchase and installation of an X-ray machine and \$1,000 for the purchase and installation of pathological equipment," so as to make the clause read:

For repairs to buildings, plumbing, painting, lumber, hardware, cement, lime, oil, tools, cars, tracks, steam heating and cooking apparatus, \$5,750, \$2,750 of which sum to be used for the purchase and installation of an X-ray machine and \$1,000 for the purchase and installation of pathological equipment.

The amendment was agreed to.

The next amendment was, on page 67, line 21, after the date "1906," to strike out "\$5,000" and insert "\$6,000," so as to make the clause read:

Payments to destitute women and children: For payment to beneficiaries named in section 3 of "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or his or her minor children in destitute or necessitous circumstances," approved March 23, 1906, \$6,000 or so much thereof as may be necessary, to be disbursed by the disbursing officer of the District of Columbia, on itemized vouchers duly audited and approved by the auditor of said District.

The amendment was agreed to.

The next amendment was, on page 68, line 11, after the words "Washington Asylum and Jail," to strike out "\$123,510" and insert "\$129,760," so as to make the clause read:

In all, Washington Asylum and Jail, \$129,760.

The amendment was agreed to.

The next amendment was, in the items for Home for Aged and Infirm, on page 69, after line 5, to insert:

For purchase and installation of two electric generators, \$4,875.

The amendment was agreed to.

The next amendment was, on page 69, after line 7, to insert:

For purchase of material and erection of permanent fence, \$500.

The amendment was agreed to.

The next amendment was, on page 69, line 10, after the words "Home for Aged and Infirm," to strike out "\$45,432" and insert "\$50,807," so as to make the clause read:

In all, Home for Aged and Infirm, \$50,807.

The amendment was agreed to.

Mr. SMOOT. I desire to revert to page 67, the items in lines 11 to 14. I wish to say to the Senator having the bill in charge that I doubt very much whether the amendment which has been agreed to will carry the appropriation he desires and that we all desire. Beginning in line 9 it reads:

For repairs to buildings, plumbing, painting, lumber, hardware, cement, lime, oil, tools, cars, tracks, steam heating and cooking apparatus, \$5,750.

After a direct appropriation for all these items you undertake to provide:

Two thousand seven hundred and fifty dollars of which sum to be used for the purchase and installation of an X-ray machine and \$1,000 for the purchase and installation of pathological equipment.

It seems to me the amendment ought to be in a different form; that is, for repairs to building, plumbing, painting, lumber, hardware, cement, lime, oil, tools, cars, tracks, steam heating, and cooking apparatus, \$2,000; for the purchase and installation of an X-ray machine, \$2,750; for the purchase and installation of pathological equipment, \$1,000. I think \$2,000 ought to be appropriated for the items specifically enumerated in lines 9, 10, and 11.

Mr. SMITH of Maryland. I have no objection to that change.

Mr. SMOOT. Then, let the amendment in lines 12, 13, and 14 read in this way:

For the purchase and installation of an X-ray machine, \$2,750; for the purchase and installation of pathological equipment, \$1,000.

Mr. SMITH of Maryland. I have no objection to that. Certainly it does not alter the intention.

Mr. SMOOT. It does not alter the intention; but I think it alters the construction that may be placed upon the amendment as it now reads. I move that the vote by which the amendment on page 67, lines 11 to 14, was agreed to be reconsidered.

The PRESIDING OFFICER (Mr. HITCHCOCK in the chair). Without objection, it is so ordered.

Mr. SMOOT. Now, I ask the Senate to disagree to the amendment striking out \$2,000 and inserting \$5,750, so that \$2,000 will remain as the appropriation in the bill.

The amendment was rejected.

Mr. SMOOT. I move to insert the following item:

For the purchase and installation of an X-ray machine, \$2,750.

The amendment was agreed to.

Mr. SMOOT. I move also to insert:

For purchase and installation of pathological equipment, \$1,000; in all, \$5,750.



The amendment was agreed to.

Mr. BURTON. I understand that would be in line with the objection which the Senator from Utah made, if you aggregate the amount at the end. Each should be a separate item.

Mr. SMOOT. They are specifically provided for and the whole paragraph ends "in all, \$5,750."

Mr. BURTON. That is for the Washington Asylum and Jail.

Mr. SMOOT. Yes; it pertains to the Washington Asylum and Jail.

Mr. SMITH of Maryland. I think that the words "in all" are unnecessary. I move to strike out those words.

The PRESIDING OFFICER. Without objection, the amendment will read as suggested, without the words "in all."

The next amendment was, in the items for National Training School for Girls, on page 70, after line 8, to insert:

For repairing roofs, gutters, and spouting, administration building, preparatory building, male dormitory, and stable, \$220.

The amendment was agreed to.

The next amendment was, on page 70, after line 11, to insert:

For remodeling fire escapes and approaches thereto, \$250.

The amendment was agreed to.

The next amendment was, on page 70, line 14, after the words "National Training School for Girls," to strike out "\$25,380" and insert "\$25,850," so as to make the clause read:

In all, National Training School for Girls, \$25,850.

The amendment was agreed to.

The next amendment was, under the subhead "Medical charities," on page 71, after line 7, to insert:

Toward the construction of a new building for the Central Dispensary and Emergency Hospital, erected on the site purchased and owned by said hospital, \$50,000.

Mr. THOMAS. I wish to inquire of the Senator having charge of the bill what emergency, if any, requires the appropriation at this time of \$50,000 for the construction of a new building for the Central Dispensary and Emergency Hospital and \$500,000 for the establishment of a new or additional hospital as provided at the bottom of page 72.

Mr. SMITH of Maryland. I will say to the Senator this is an emergency hospital, and the other is a somewhat different hospital in a part of the city that is farther off.

Mr. THOMAS. I do not think the Senator understood my inquiry. I want to know what emergency exists at this time for making these large appropriations.

Mr. SMITH of Maryland. I will say to the Senator that there has been a large amount of money raised by certain people of the District of Columbia for this Emergency Hospital, and that there is a large sum of money that is due on it. They feel that it is impossible for them to raise the money that is due, and they have come to the Government to help them in their distress, in order that the hospital may be paid for. It is a matter that appealed to us. We felt that they were doing a good work and that they ought to be encouraged, as they had already raised a large amount of money themselves, and they have outstanding now, if I am not mistaken, about \$140,000 indebtedness upon the hospital. I ask the Senator from New Hampshire [Mr. GALLINGER] if that is the amount.

Mr. GALLINGER. It is about \$161,000 all told.

Mr. SMITH of Maryland. One hundred and sixty-one thousand dollars. They have raised a very large amount of money, and we felt that we ought to encourage them, and that it was our duty to take care of this Emergency Hospital.

Mr. GALLINGER. There has been invested up to the present time about \$257,000 in the hospital, and the hospital is erected. It is not furnished, and this large indebtedness is upon it.

Mr. SMITH of Maryland. They are doing a good work, and we felt that this money could well be appropriated to help them continue to carry on that good work.

Mr. THOMAS. I do not doubt that all hospitals in the District of Columbia are engaged in a good and necessary work. The fact that they are indebted—

Mr. GALLINGER. If the Senator from Colorado will permit me—

Mr. THOMAS. Certainly.

Mr. GALLINGER. I know the Senator wants to understand the situation correctly. This is an old hospital that has been in operation certainly during the entire time I have served in this body. It was located on Fifteenth Street. The hospital has been dispossessed of its property by the United States Government for the purpose of building a Government structure on that site. The Government paid the hospital for the property perhaps a fair amount. They either had to abandon their work or erect a new hospital. They started a propaganda, a 30-day propaganda, here with the intention of raising \$300,000. As

a matter of fact they raised \$120,000 odd in contributions from citizens, and other donations have been made.

They are now at a time when they must of necessity occupy the hospital, the Government having asked them how soon they can vacate the old hospital building. They find themselves without money even to furnish their new hospital; and, in view of the fact that the building is constructed and ready for occupancy, and that it is doing this most excellent work in an emergency way not only for the people of the District of Columbia but for people from the various States who come here and suffer accidents or are taken suddenly ill, we felt that we might well give them this help. That is the story of the hospital.

Mr. THOMAS. Does the Senator think that the conditions are such as that a postponement of this appropriation until some time when the Treasury conditions are better than they are now would not be just as well?

Mr. GALLINGER. I would exceedingly dislike to see that hospital dismantled. A friend of mine was in the old hospital the other day, and he found six patients in one room. They are doing a good work. They have got to vacate those premises. The new hospital is actually constructed, ready for occupancy, and unless they get this help they can not even furnish it.

Mr. THOMAS. That being the case, I shall not oppose the appropriation.

The amendment was agreed to.

The next amendment was, on page 71, line 25, after the words "resident physician," to strike out "\$480" and insert "\$600"; on page 72, line 8, before the word "each," to strike out "\$180" and insert "\$240"; and in line 9, after the words "in all," to strike out "\$18,120" and insert "\$18,360," so as to make the clause read:

Tuberculosis Hospital: Superintendent, \$1,800; resident physician, \$600; pharmacist, and clerk, superintendent of nurses, and engineer, at \$720 each; pathologist, \$300; matron, dietician, chief cook, assistant engineer, laundryman, and 7 graduate nurses, at \$600 each; assistant cooks—1, \$360; 2 at \$240 each; assistant engineer, \$480; elevator conductor, \$300; 3 laundresses, at \$240 each; farmer, laborer, night watchman, 3 orderlies, and assistant laundryman, at \$360 each; 2 ward maids, at \$240 each; 4 servants, at \$240 each; in all, \$18,360.

The amendment was agreed to.

The next amendment was, on page 72, line 18, after the words "Tuberculosis Hospital," to strike out "\$52,120" and insert "\$52,360," so as to make the clause read:

In all, Tuberculosis Hospital, \$52,360.

The amendment was agreed to.

The next amendment was, on page 72, after line 18, to insert:

Gallinger Hospital: Toward the construction of the Gallinger Hospital, including grading of the site, \$150,000, and the limit of cost of the construction of said hospital and accessory buildings is hereby fixed at \$500,000; *Provided*, That said hospital shall be constructed with a view to making future additions, as the exigencies may demand.

Mr. THOMAS. Mr. President, may I inquire of the chairman having the bill in charge whether this is a new construction?

Mr. SMITH of Maryland. It is entirely a new construction.

Mr. THOMAS. What exigency now exists for this very large appropriation at this time?

Mr. SMITH of Maryland. I would ask the Senator if he would take the time and the pains to go out to the Municipal Hospital in this city I think that would answer the question. I think there is hardly a city in this country that has such poor accommodations for the poor and afflicted as the city of Washington.

It appears to me to be almost criminal that the poor and the afflicted of the city of Washington should have no better accommodations than are afforded them by the Municipal Hospital we now have. I beg of the Senator to go and look at it, as some of the rest of us have done.

This hospital, I will say to the Senator, is to be erected upon ground which belongs to the Government, a part of which is now occupied by the Tuberculosis Hospital. There are, I think, in the neighborhood of 20 acres. It is a most admirable place for it. It will be separated from the Tuberculosis Hospital by a street which is to go through it.

This is a matter that has been pending for some while, and we have been endeavoring to secure an appropriation for this purpose. I am satisfied there is not a Senator in the Senate who, if he will go and look at the hospital that the Government now has for the purpose of taking care of the poor and afflicted of this city, will not find that it is as inadequate as would be a hospital in any city with a population of 10,000 people in this country. We felt that this hospital is of all things a great necessity, and that it should be started at once.

Mr. THOMAS. Mr. President, I of course accept the representations made by the Senator concerning the undesirable conditions of the municipal hospital in this city. I assume,



however, that those conditions having been the outgrowth of the administration of the affairs of the hospital very largely, and that while they are not as desirable as they might be or as we would have them, the emergency is not sufficiently great to justify at this time this large additional appropriation.

The aggregate of the appropriations this year, as was the case last year, will be used as the measure or standard by which the extravagance or the lack of it of the present administration is to be governed. Indeed, a great many gentlemen in both Houses who favor an expenditure of this kind would be among those criticizing the aggregate result of all of our appropriations.

I do not want to consent to the making of an appropriation of this size and of this character until the revenues of the Government are in a better condition than they are now, unless the condition is so exigent as to make it a matter of absolute necessity.

Mr. SMITH of Maryland. I will say to the Senator if there is anything of absolute necessity in this city it is this hospital. I consider it a crying shame. There are a lot of buildings dotted about in various places with no convenience whatever. The fact is that the people there hardly receive as much attention as do animals in hospitals that are provided for them in various places of that kind. I would only ask the Senator to go and see it. I am satisfied if he would go there and see the buildings, see how inappropriate they are, he would not for one moment oppose this amendment, but would be in favor of it.

Mr. SMOOT. I wish to say to the Senator from Colorado that this question was thoroughly gone into a year ago.

Mr. THOMAS. Yes; I think it was then defeated, but not in this body.

Mr. SMOOT. Not in this body, but there was this provision placed in the act—

Mr. SMITH of Maryland. We appropriated \$15,000.

Mr. SMOOT (reading)—

For the preparation of plans and specifications for the erection of hospital buildings, including power house and domestic-service building, for municipal purposes, to be located and erected on the site now owned by the District of Columbia at Fourteenth and Upshur Streets, and hereafter to be known as Gallinger Hospital, \$15,000, or so much thereof as may be necessary.

A year ago we thought that it would be very unwise to appropriate \$500,000 for the full requirement of the erection of the buildings; but we did feel, and so did the House, that there should be an appropriation made of \$15,000 for the preparation of plans and specifications for the erection of the buildings hereafter. That was agreed to by both Houses and became a law.

Mr. President, I became interested in this matter after I had visited the present buildings. As I said a year ago, there is not a city in Colorado of 5,000 people that would be content to have a hospital in the class of buildings that we have our hospitals in here in Washington in many cases. If there is anything that is required for the improvement of the condition of the District of Columbia, in my opinion it is the erection of a hospital. In this bill we do not provide for the \$500,000. We appropriate \$150,000 for the purposes named in the bill.

I know the Senator will not charge me with trying to be extravagant. I have tried to cut the appropriations wherever it was possible, and I have made what protest I could against appropriations that I thought were extravagant; but I do think, for humanity's sake, for the respect of the District, that this item ought to be taken care of in this appropriation bill.

Mr. THOMAS. Mr. President, I would be one of the last Members of this body to dispute the last statement of the Senator from Utah. I think he is one of the Senators here who has striven and is striving for economy. But he is also one of the severest critics of Democratic extravagance. He has undertaken heretofore, with statistics at his command and with which he has familiarized himself, to present a very severe indictment of the present administration, and has contrasted the aggregate of their appropriations for different Government purposes with those of preceding Congresses, the conclusion being, of course, favorable to the former.

Now, here is an appropriation of \$500,000, ultimately, more than that needed, because it is provided that it "shall be constructed with a view to making future additions, as the exigencies may demand."

But I want to emphasize the fact that it is a large appropriation—an unusually large, amended appropriation—to a bill made by the committee of the Senate, and that in the total of appropriations made by this Congress we should at least receive credit for this increase of \$500,000.

Mr. SMOOT. I want to say to the Senator that I never have made a criticism of small items.

Mr. THOMAS. No; but the Senator from Utah knows better than any other man on this floor that the aggregate of small items is what constitutes the increased expenditures.

Mr. SMOOT. Yes; but, Mr. President, they do not come in in hundred thousand dollar appropriations; they come in million dollar appropriations; and I did not criticize the increased appropriations under the present administration until after they had reached over a hundred million dollars.

Mr. THOMAS. No, Mr. President; these increases, while they sometimes appear in startlingly large amounts, are composed of the aggregate of a great many small amounts. Take this bill, for example. The increases which have been made both in the amounts reported from the House and in added amounts will, in the aggregate, be very considerably in excess of the House bill. So with every other appropriation bill that comes here. It is the multitude of small things added together that makes these enormous increases.

The Senator from Utah this morning objected to the introduction into the RECORD of a speech recently delivered by the Secretary of the Treasury, and made a statement at that time, with which I sympathize, that he was trying, so far as he could—and he has been doing so—to save this unnecessary expenditure of the people's money. He knows, I repeat, better than any other Senator upon this floor how the constant little increases of the expenditures of the Government make a tremendous and formidable showing against those who are responsible for them, when all the appropriations have been made and computed.

Mr. SMOOT. Mr. President, on behalf of the Appropriations Committee, however, I want to say that many appropriation bills come here from the other House to which Members of the House know that amendments will have to be made increasing the amounts in the Senate of the United States; when they know that it is absolutely necessary that such increases must be made to the bills, I do not make any criticism upon this administration more than I do on past administrations as to that policy, because it has been the policy ever since I have been on the Appropriations Committee of this body.

Mr. THOMAS. I think that is true, Mr. President, and it will continue to be true until our system of appropriations is radically changed.

Mr. SMOOT. I am willing for that.

Mr. THOMAS. I want to take this occasion to emphasize the fact that increased expenses of this Government are the natural and unavoidable outgrowth of a machinery whereby the appropriations are made which is not only antiquated but ought to be impossible. Real, genuine economy in public administration must find its genesis in our change of method, and regardless of whether the administration be Democratic or Republican.

Mr. SMOOT. Mr. President, I am quite in sympathy with the statement which the Senator from Colorado has made, but I want to say in this connection that if I were going to economize in the expenses of the Government of the United States there are a thousand other ways in which to economize rather than to do it upon the item under consideration. If I were going to be extravagant with the money of the United States, it would be in just such items as this—to take care of the unfortunate sick who happen to be living in this District, over which we have absolute control.

Mr. THOMAS. Mr. President, the Senator's statement does him credit, and I cheerfully join in the same expression. It is for that reason, very largely in view of what was said here, that I shall make no objection to this appropriation; but, as I said some time ago, I want it understood that, so far as I can do so, I shall call attention to these minor items in the hope that when the general review of this administration comes, as it will come, the responsibility for the expenditure of large amounts of money will be placed upon the shoulders which ought to bear it.

Mr. CHAMBERLAIN. Mr. President, I understand the Senator from Colorado has practically withdrawn his objection.

Mr. THOMAS. I have made no objection.

Mr. CHAMBERLAIN. Well, the Senator has withdrawn at least his criticism of this particular item; but I feel it incumbent upon me to say merely a few words in reference to conditions at the Washington Asylum and Jail. It really ought not to be called the Washington Asylum and Jail, because it is not a jail; and, while it is a converted workhouse, the people who go there are not prisoners; they are simply unfortunate men and women, young and old, white and black, who are too poor to take care of themselves and have no friends who can take care of them.



I have had a good deal to do with eleemosynary institutions in my own State, and the duties which have devolved upon me have made it incumbent upon me to visit such institutions in other States. It has been my pleasure to go out and visit this institution more than once; and I say, in all candor and frankness, that I do not believe that there is an institution of this kind in the United States that is so discreditable to the Government of the United States as is this institution.

As I said a while ago, it is a converted workhouse; it is a place that formerly was used as a sort of reformatory institution and which from time to time has been changed, in name at least, to a hospital. I think it might more properly be called a cold and barren barn where the unfortunate people of Washington are compelled to be detained when they are sick. It would be practically impossible to undertake to repair that institution and to put it in any sort of proper shape whatsoever. In winter it is cold; it is heated from a central plant, but the windows and doors are so open that it is almost impossible to keep it in any sort of comfortable condition. In summer it is absolutely a disgrace to this community. I have been out there in the summer time, Mr. President; I have gone through the different wards and have seen patients there so enfeebled and so weak that they could not raise their hands to keep the flies off. The windows were partly open, the screen doors were neglected, and in some places where there should have been screens on windows and doors there were none at all.

I wish every Senator here could visit not only that institution but others of a kindred kind in the District of Columbia. Then, instead of undertaking to economize at the expense of humanity, Mr. President, they would economize in other directions, where moneys are recklessly expended in the District of Columbia in other departments of the Government.

I am simply adding my testimony from personal experience and from having visited this institution a number of times within the past year and having gone through it with the physician in charge; and I say that it is impossible to properly repair it and that we ought to appropriate money for the construction of a new hospital. Whenever an attempt has been made in the past, while I served on this committee, to undertake to raise money to improve this institution, the same cry of economy has been raised, with the result that they not only have not given them a comfortable house, which decency at least demands, but they do not give them enough to eat in the institution.

One Senator suggested that it was probably due to expensive administration of the institution; but an examination of the report and of the estimates which have been made here will disclose that the Congress of the United States has declined to give this institution enough money to support these people as they ought to be supported.

It would be very much better, Mr. President, to cut out all of these appropriations and buy enough of anesthesia to put them all into a perpetual and permanent sleep than to undertake to keep them as they are now kept there. I insist, in the cause of humanity, that this appropriation for the construction of a new hospital ought to be made without a single voice in the Senate being raised against it.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Child-caring institutions," on page 73, line 8, after "\$1,200," to strike out "one \$1,000" and insert "two at \$1,000 each," and in line 10, after the words "in all," to strike out "\$12,580" and insert "\$13,580," so as to make the clause read:

For agent, \$1,800; clerk, \$1,200; placing and investigating officers—one \$1,200, two at \$1,000 each, six at \$900 each; record clerk, \$900; clerk, \$720; messenger, \$360; in all, \$13,580.

The amendment was agreed to.

The next amendment was, on page 73, line 19, after the word "board," to strike out "\$55,000" and insert "\$65,000," so as to make the clause read:

For board and care of all children committed to the guardianship of said board by the courts of the District, and for temporary care of children pending investigation or while being transferred from place to place, with authority to pay not more than \$1,500 to institutions adjudged to be under sectarian control and not more than \$300 for burial of children dying while under charge of the board, \$65,000.

The amendment was agreed to.

The next amendment was, on page 73, line 21, after the word "guardians," to strike out "\$91,080" and insert "\$102,080," so as to make the clause read:

In all, board of children's guardians, \$102,080.

The amendment was agreed to.

The next amendment was, on page 75, after line 14, to insert: For new boiler, \$2,000.

The amendment was agreed to.

The next amendment was, on page 75, line 16, after the words "Industrial Home School," to strike out "\$27,280" and insert "\$29,280," so as to make the clause read:

In all, Industrial Home School, \$29,280.

The amendment was agreed to.

The next amendment was, under the subhead "Temporary homes," on page 76, after line 15, to insert:

Southern Relief Society: For care and maintenance of indigent and infirm men, women, and children under a contract to be made with the Southern Relief Society for the support of those under its care by the Board of Charities, \$10,000.

The amendment was agreed to.

The next amendment was, on page 76, after line 20, to insert:

#### AID TO THE BLIND.

Aid Association for the Blind: For aid, maintenance, improvement of grounds, and purchase of mechanical equipment for the workshop of the Aid Association for the Blind, located at 3050 R Street NW., \$5,000, said sum to be expended under the direction and supervision of the Commissioners of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 77, after line 2, to insert:

Columbia Polytechnic Institute: For the instruction and employment of the blind of the Columbia Polytechnic Institute who are actual residents of the District of Columbia, for the purchase and repair of a type-setting machine, stitching machine, and purchase and repair of machinery and tools which may be needed to equip a workshop for the blind of said District, \$5,000, to be expended under the direction and supervision of the Commissioners of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 79, after line 17, to strike out:

Reformatory: For construction of roads, grading of sites, and other development work, \$15,000, which sum shall be expended under the direction of the commissioners.

And insert:

Reformatory: For the construction and erection of a reformatory, on the site purchased therefor, under the provisions of the District act approved March 3, 1909, and acts amendatory thereto, including construction of roads, grading of sites, and other development work, superintendence, custody, clothing, guarding, care, employment, and support of prisoners; for identifying and pursuing escaped convicts and rewards for their recapture, provisions, subsistence, medicines, and hospital instruments, furniture, and quarters for guards and other employees and inmates; the purchase and maintenance of farm implements and live stock, seeds, and miscellaneous items, tools and equipment; transportation and the means of transportation; the maintenance and operation of means of transportation; fuel, supplies, and personal services, and all other necessary items, to be expended under the direction and in the discretion of the Commissioners of the District of Columbia, \$50,000: *Provided*, That whenever any person has been convicted of crime in any court in the District of Columbia and sentenced to imprisonment for more than one year by the court, the imprisonment may be in a penitentiary, or in the Reformatory of the District of Columbia, above referred to; and it shall be sufficient for the court to sentence the defendant to imprisonment in the penitentiary without specifying the particular prison or the reformatory, and the imprisonment shall be in such penitentiary or the reformatory as the Commissioners of the District of Columbia shall from time to time designate: *Provided further*, That the Commissioners of the District of Columbia are hereby vested with jurisdiction over male and female prisoners from the time they are delivered into their custody or into the custody of their authorized superintendent, deputy, or deputies, and until such prisoners are released or discharged under due process of law: *Provided further*, That the Commissioners of the District of Columbia shall have all the power and authority now vested by existing law in the Attorney General to provide for the care, support, custody, transportation, employment, and maintenance of convicts sentenced to imprisonment by any court in the District of Columbia, and that the appropriation for the support of convicts authorized for the fiscal year 1916 shall be expended by the Commissioners of the District of Columbia. The provisions of this paragraph shall take effect on and after July 1, 1915.

Mr. SMITH of Maryland. On behalf of the committee I offer an amendment to the amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In the committee amendment, on page 81, line 12, after the words "District of Columbia," it is proposed to insert:

*Provided further*, That nothing herein contained shall be construed as applying to the National Training School for Boys or the National Training School for Girls.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

Mr. THOMAS. Mr. President, I desire to inquire of the Senator having the bill in charge if this is also an entirely new institution or whether it is designed to take the place of some other institution found insufficient or for other reasons undesirable?

Mr. SMITH of Maryland. Mr. President, I will say to the Senator that this institution has been already started.

Mr. GALLINGER. Mr. President, while the Senator from Maryland is looking up the facts, I will say that this institution, embracing a tract of land of 1,500 acres, I think, in the



State of Virginia, is designed to provide for the convicts sentenced by the courts of the District of Columbia for offenses the nature of which would send them to the penitentiary. Such convicts are now sent to institutions in the several States, where they are supported at the expense of the Government and of the District of Columbia. This provision is designed to provide for an institution to take care of the convicts of the District of Columbia.

Mr. THOMAS. I understand what it is designed for, but I want to ascertain whether it is a new institution?

Mr. GALLINGER. The land has been purchased and they are just commencing the construction of buildings, I will say to the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Maryland to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Militia of the District of Columbia," on page 82, line 10, after the word "service," to strike out "\$25,900" and insert "\$30,000," so as to make the clause read:

For expenses of camps, including hire of horses for officers required to be mounted, and such hire not to be deducted from their mounted pay, instruction, practice marches and practice cruises, drills and parades, fuel, light, heat, care, and repair of armories, offices and storehouses, practice ships, boats, machinery and dock, dredging alongside of dock, telephone service, and for general incidental expenses of the service, \$30,000.

The amendment was agreed to.

The next amendment was, on page 82, line 22, after the word "matches," to strike out "\$1,250" and insert "\$2,500," so as to make the clause read:

For expenses of target practice and matches, \$2,500.

The amendment was agreed to.

The next amendment was, on page 83, after line 12, to insert:

#### ANACOSTIA RIVER FLATS.

For continuing the reclamation and development of the Anacostia River and Flats from the Anacostia Bridge northeast to the District line, to be expended for the purposes and under the conditions specified in the item for this improvement contained in the District of Columbia appropriation act for the fiscal year 1915, \$100,000, and authority is hereby granted to the Chief of Engineers, United States Army, to enter into a contract or contracts for and on account of said work in an amount not exceeding \$100,000, exclusive of the amount herein appropriated.

Mr. BURTON. Mr. President, I should like to ask about this item pertaining to the Anacostia River Flats. I understand a considerable amount of land will be reclaimed, or rather recreated, as a result of this appropriation. In whom will the title to that land vest?

Mr. SMITH of Maryland. Mr. President, this item is for continuing an improvement now under way, I will say to the Senator, and gives to the Chief Engineer the right to enter into further contracts.

Mr. BURTON. The item appropriates a hundred thousand dollars and authorizes contracts for an additional hundred thousand dollars.

Mr. SMITH of Maryland. Yes, sir.

Mr. BURTON. But what is the object of the appropriation? Is it not to narrow the channel of the river or creek and create land; and if so, in whom is the title to that land to be vested? Is it to be vested in the abutting property owners or in the Government?

Mr. SMITH of Maryland. On account of the confusion, I am unable to hear the Senator's question.

Mr. BURTON. Mr. President, this matter was pending before the Committee on Rivers and Harbors some years ago. As I understand, the general plan is to increase the depth of the river and to narrow its channels, and as an immediate result land will be created, which formerly was overflowed.

Mr. SMITH of Maryland. The Senator understands, I presume, that the abutting property owners are to pay proportionately according to the increased valuation of their property.

Mr. BURTON. Are they to pay for the extra land that is created or is title to it to be vested in the Government? I ask this question for the reason that a plan was once suggested which seemed—

Mr. SMITH of Maryland. As I understand, the title to the land will vest in the Government.

Mr. BURTON. I will continue what I was saying: A plan was at one time suggested which seemed to me to give undue advantage to the abutting owners. The Government, under the guise of a river and harbor improvement, was asked to increase the quantity of land, and the amount created would belong to the abutting owners. I should like to ask if the project has been so changed as to avoid that result?

Mr. SMITH of Maryland. I regret that the Senator is so far off that I am not able to catch the entire purport of his remarks.

Mr. GALLINGER. Mr. President, if the Senator from Maryland will permit me, as I understand the matter, whatever advantage the present abutting property owners may derive from this improvement will be assessed against them as benefits; but the land that is made is to belong to the Government, and is intended for park purposes. That is as it has been represented to the committee. Of course, the primary purpose of all this improvement was the protection of health; but there is no question in my mind, from what has been represented to the committee, that the land which will accrue as the result of this improvement will be under the control of the Government for governmental purposes.

Mr. BURTON. Will it be owned by the Government?

Mr. GALLINGER. I should say so, from what has been represented to us.

Mr. LIPPITT. Mr. President, if the Senator will pardon me for a moment, I do not know whether the legal status of the matter would be different in the District of Columbia from what it is in the States; but I know that a very similar project came up in connection with the improvement of the Providence River. A large amount of excavation was proposed to be dumped on adjoining lands, and the opinion of the legal department of the city of Providence and of the State of Rhode Island was that that improvement would belong to the abutting owners, and that there was no way of overcoming that result, except by the purchase by the State prior to making the improvement of the land adjoining the improvement. I do not know what the legal status of such a matter is in the District of Columbia, but I do know that that was very carefully gone into within a very short time in Rhode Island. As suggested by the Senator from Utah [Mr. Smoot], the abutting owners claimed it under the law of riparian rights.

Mr. GALLINGER. This matter has been very carefully looked into by Mr. Sinclair, a competent attorney of the District, and I am sure that I correctly state his view as it has been represented to the committee. I know that the Government purchased from private owners some land that was under water for the purpose of making this improvement.

Mr. LIPPITT. Perhaps they acquired in that way the riparian ownership.

Mr. GALLINGER. I think very likely they did.

Mr. LIPPITT. I think that is a point that ought to be very thoroughly understood.

Mr. SMITH of Maryland. This appropriation has been delayed in order to get title to this land which, we understand, has been secured.

Mr. BURTON. There is a great variety of laws in different States. The general regulation, or the one in vogue in most of the States, is that the accretion to the land caused by the narrowing of the stream or in other ways accrues to the riparian owner. If that is the case, the Government will be doing this work for the benefit of private owners. Some years ago a plan was suggested, the basis of which was the improvement of the navigation of the Anacostia River and the improvement of the public health; but it was rejected in the House, for the reason that an unfair advantage would have resulted to the owners of adjoining property.

I should like to ask another question here. Why was not this item put in in the House? Why was it put in in the Senate? Was it not considered in the House?

Mr. SMOOT. I will say to the Senator that the same provision, or nearly so, has been in the District of Columbia appropriation bills in the past and the House has failed to agree to it. I do not know whether the House considered it this year or not.

Mr. BURTON. I trust this matter will be carefully considered before it is agreed upon in conference. I think I should object to it except for the fact that it must be agreed upon in conference with the House conferees.

Mr. SMITH of Georgia. Mr. President, it would seem that there is really but one question involved, and that is, Does the Government own the adjacent land, so that this improvement will belong to the Government? If it does not, we ought not to vote for it. Does the Government own the land, so that this improvement would make it the property of the Government?

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Water department," on page 84, line 25, after the word "clerks," to strike out "2, at \$1,500 each" and insert "1, \$1,800; 1, \$1,500"; and on page 85, line 6, after



the words "in all," to strike out "\$87,055" and insert "\$87,355," so as to make the clause read:

For distribution branch: Superintendent, \$3,300; engineer, \$2,400; assistant engineers—1, \$1,800; 1, \$1,600; master mechanic, \$2,000; foreman, \$1,800; assistant foremen—1, \$1,275; 1, \$1,200; 1, \$1,125; 1, \$900; steam engineers—chief, \$1,750; 2, at \$1,100 each; 3 assistants, at \$875 each; chief inspector of valves, \$1,600; leveler, \$1,200; inspector, \$1,200; draftsman, \$1,050; clerks—1, \$1,800; 1, \$1,500; 4 at \$1,200 each; stores clerk, \$1,500; 1, \$1,000; 1, \$900; timekeeper, \$900; 2 rodmen, at \$900 each; 2 chainmen, at \$875 each; 4 oilers, at \$610 each; 3 firemen, at \$875 each; janitor, \$900; watchmen—1, \$875; 1, \$700; 1, \$610; drivers—1, \$700; 1, \$630; 2 messengers, at \$600 each; in all, \$87,355.

The amendment was agreed to.

Mr. BURTON. Mr. President, I should like to ask a question of the chairman of the committee. Is the waterworks department of this city self-sustaining? In most of the cities the water system is not only self-sustaining, but has a sufficient income to pay interest on the bonds and have a surplus besides. Is that the case here?

Mr. SMITH of Maryland. I understand it is self-sustaining, sir.

Mr. BURTON. Does the Government of the United States pay water taxes?

Mr. SMITH of Maryland. No, sir.

Mr. BURTON. It receives free its supply of water for Government buildings?

Mr. SMITH of Maryland. Yes; free; paid for from the revenues of the waterworks. The Government does not pay anything.

Mr. SMITH of Georgia. Mr. President, when the Senator says the system is self-sustaining, he simply means that it pays the expense of operation.

Mr. BURTON. Yes. My question is, Does it pay a rate of interest on the original cost?

Mr. SMITH of Georgia. I do not understand that the Senator means that it does that. I understand that he simply means that it pays the expenses of operation.

Mr. BURTON. It is not a very profitable plant if it merely pays the expenses of operation. Does it also pay an adequate return, whether you call it interest or income, upon the cost?

Mr. SMITH of Maryland. That I am unable to say. I do not know about that, sir. I do not know what the cost is, and I do not know what percentage is put on for that purpose. I understand that it is self-sustaining, so far as the running of it is concerned.

Mr. BURTON. Of course it is to be expected that the running expenses are provided by the income; but I think if the commission which has been suggested is to be appointed, that would be a very desirable subject for it to consider.

Mr. LANE. I should like to suggest that the chairman of the board of commissioners should make a report to the committee as to what the cost of the plant was, how much interest it pays on its bonds, whether or not it has a sinking fund, and whether or not it pays for the extension of mains.

Mr. BURTON. If the Senator from Oregon will permit me, it is very likely that this system was not built by the issuance of bonds, but by cash appropriations from the revenues of the District of Columbia and the Treasury. It ought, however, to be a very easy matter to compute the cost of the original plant and additions.

Mr. SMOOT. Mr. President, referring to the question of revenues and expenditures for the waterworks department, I will say to the Senator from Ohio that the commissioners' report for the year ending June 30, 1914, contains this statement:

The water revenues from all sources during the year amount to \$828,396.69. The expenditures for the year amounted to \$794,952.16. The outstanding net liabilities on June 30, 1914, were \$32,497.90, leaving a working balance to the department on that date of \$946.63. Of the expenditures during the year about 52 per cent were for the extension of the plant—

That is, the expenditures during the year were \$794,952.16.

Mr. BURTON. That is, for operating expenses and maintenance?

Mr. SMOOT. No; for extension also.

Of the expenditures during the year about 52 per cent were for the extension of the plant, 27 per cent for operation, and the balance for repairs and replacements.

Water is furnished free to churches, hospitals, orphan asylums, schools, and charitable institutions under authority of law to the extent of 19,348,600 cubic feet. This is based on a per capita allowance of from 60 to 100 gallons per day, depending on the character of the institutions. All water in excess of that allowed is charged for at meter rates. This excess of allowance amounted to 5,419,700 cubic feet during the year.

Mr. BURTON. Does it appear that there are no bonds on which interest is paid?

Mr. SMOOT. No; there are no bonds.

Mr. BURTON. What is the amount expended for extensions?

Mr. SMITH of Georgia. Roughly, \$400,000.

Mr. SMOOT. The amount expended for extensions is 52 per cent of \$794,952.16, or a little over \$400,000.

Mr. BURTON. It seems to me that the amount expended for operation is small for an extensive water plant.

Mr. SMOOT. It is 27 per cent of the receipts from operating expenses.

Mr. BURTON. About \$240,000.

Mr. SMOOT. About \$225,000.

Mr. BURTON. Is it stated there whether or not water is furnished free to the Government buildings?

Mr. SMOOT. There is nothing said about that in the report in regard to water revenues and expenditures, water consumption and waste, or water mains, nor do I believe it is mentioned in the report. I am quite certain that the Government of the United States pays nothing for its water.

Mr. BURTON. There is a minimum amount furnished to each home without any charge? That system is adopted, is it?

Mr. SMOOT. They are putting in water meters just as fast as possible. I will say to the Senator that during the fiscal year 1914-15 there were installed 8,555 meters, making the total number in service on June 30, 1914, 42,161 meters.

Mr. LIPPITT. Does the Senator mean 1914-15 or 1913-14?

Mr. SMOOT. I was speaking of the appropriation for the fiscal year 1914.

Mr. SMITH of Georgia. Mr. President, I think I can answer the Senator from Ohio. The Government built the conduit originally and turned it over to the District and the city under an agreement that the Government's water should always be supplied free. The extensions are built, I am advised, from the profits of operation. Something over 50 per cent of the receipts are profits, and they go into extensions of water mains.

Mr. SMOOT. I will say that the cost of water in the District of Columbia is very low. (Reading:)

The rate charged for water on metered services during the year was 4 cents per 100 cubic feet. The minimum charge, allowing 7,500 cubic feet, is \$4.50 per annum. The average annual rent where meters were installed by the District of Columbia was \$5.80.

Mr. SMITH of Georgia. One thing that is cheap here is water, and it is good.

Mr. LANE. Mr. President, I should like to ask the Senator if he knows what plan is pursued in the extension of mains? Does the District undertake to extend mains into newly opened tracts before residences are built in them?

Mr. SMOOT. I do not think they do until they know that the residences will be built. They keep the extension of mains pretty well in advance of the building up of the District.

Mr. LANE. Do they require any guarantee of an income which will be a certain percentage of the cost of extending the mains into new tracts?

Mr. SMOOT. No; it is left entirely to the judgment of the commissioners as to where the mains shall be extended.

Mr. LANE. The reason I ask the question is that in a subdivision of the District known as Cleveland Park there is a large tract of land which has been laid out in streets, and it has water mains, I suppose, all through it, but there are no houses on it. Did the District extend those mains at its own cost?

Mr. SMOOT. Yes; out of the profits of the water system. I will say to the Senator that that has happened in other localities in advance of settlement.

Mr. LANE. That system has been pursued?

Mr. SMOOT. That system has been pursued and is pursued to-day.

Mr. LANE. I know of a city where they require, in the case of unoccupied tracts, that they shall guarantee a certain rate of return before they will extend the mains. Otherwise the municipality or the District is at the expense of opening up tracts of land for speculative purposes, adding value to lots held for speculation without any cost to the man who is speculating in the property.

Mr. SMOOT. Or, in other words, they want some interest upon their investment before they will undertake to expend the money.

Mr. LANE. Yes; something like 5 or 6 per cent. That is not done here?

Mr. SMOOT. No; that is not the policy in this District.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in section 5, on page 90, line 3, after the word "necessary," to insert "engineering and other," so as to make the section read:

SEC. 5. That the commissioners are authorized to employ in the execution of work the cost of which is payable from the appropriation



account created in the District of Columbia appropriation act for the fiscal year 1905, and known as the "Miscellaneous trust-fund deposits, District of Columbia," all necessary inspectors, overseers, foremen, sewer tappers, skilled laborers, mechanics, laborers, special policemen stationed at street railway crossings, one inspector of gas fitting, two janitors for laboratories of the Washington and Georgetown Gas Light Cos., market master, assistant market master, watchman, horses, carts, and wagons, and to incur all necessary engineering and other expenses incidental to carrying on such work and necessary for the proper execution thereof, such services and expenses to be paid from said appropriation account.

The amendment was agreed to.

The Secretary resumed and concluded the reading of the bill.

Mr. NORRIS. Mr. President, I desire to offer an amendment.

Mr. SMITH of Maryland. I will say to the Senator that we are not yet quite through with the committee amendments. There are some matters that were passed over.

Mr. NORRIS. Are there some committee amendments undisposed of?

The PRESIDING OFFICER. There are a number of amendments passed over, which will now be taken up.

Mr. SMITH of Georgia. Mr. President, there is a committee amendment on page 47 in which I am interested. I must go to the Judiciary Committee in a few minutes, and I should be glad if that amendment could be taken up now.

Mr. SMITH of Maryland. I suggest that that amendment be taken up.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. The following amendment on page 47 was passed over:

After line 18, insert:

"The Commissioners of the District of Columbia are hereby authorized and directed to close public areas which may lie wholly within the boundaries of any site purchased for the Eastern High School, and the same, when so closed, shall be used as a part of said site."

Mr. VARDAMAN. Mr. President, if the Senator from Georgia will yield to me, this amendment was passed over day before yesterday at my request. I have a communication from the president of the East Washington Citizens' Association which I shall read, and I will ask the chairman of the committee to make such corrections as should be made if the statement which I am about to read contains any errors. It impresses me as a straightforward veracious statement of fact:

WASHINGTON, D. C., January 13, 1915.

Hon. J. K. VARDAMAN,  
United States Senate, Washington, D. C.

DEAR SIR: As president of the East Washington Citizens' Association I have to thank you for this opportunity to place in your hands full data relative to the proposed purchase of ground for the erection of a new Eastern High School at Nineteenth and East Capitol Streets, in close proximity to the United States jail, smallpox hospital, crematorium, and Congressional Cemetery.

On March 13, 1914, this whole matter was discussed in the United States Senate when the \$150,000 was appropriated for the purchase of a site for an Eastern High School, and at that time the record will show that the erection of a high school on reservation 13, which belongs to the Government, was opposed by Senator GALLINGER because of the proximity to the smallpox hospital, jail, crematorium, and cemetery.

Our association has been on record for over one year as opposed to the purchase of any ground as a site for an Eastern High School, believing that the District already owns sufficient upon which to build such a building. And if it be the intention of the District authorities to remove the smallpox hospital from reservation 13, as a part of the Gallinger Hospital, when established, there would then remain about 75 acres of land belonging to the Government upon which no objectionable buildings would be located and would make a model site for a high school and stadium.

Our association has protested to the board of commissioners and to the board of education against the selection of this site and against the closing of public highways sought in this connection to be closed, believing that such action would infringe the property rights of our citizens and at the same time affect the right of ownership of the United States in these streets without recompense.

Every association of citizens of southeast Washington has opposed the selection of this site; not one indorsement can be found of record favoring the same. The Board of Commissioners has declined to grant the request of our associations for a public hearing, and as these commissioners, in whose selection our people have no voice, have refused our appeal for such hearing, we are forced to petition and beg for the fairness of Members of the Senate and House of Representatives to aid us in this matter. We accordingly most earnestly request that no authority be given the commissioners to close the streets referred to in the amendment on page 47 of the appropriation act now before you. If this authority is denied the commissioners, it will in all probability result in the matter of the selection of a site for this Eastern High School being reconsidered, while at the same time the delay would not retard the building of a new high school, there being no appropriation carried by this bill.

Congress has heretofore failed to give authority to the commissioners to close the public streets and highways of the city. A few years ago the commissioners undertook to narrow one of our streets in east Washington, and upon an appeal to the local courts by one of our citizens it was held that the commissioners "are without power to narrow the roads of established streets in the city of Washington" (Walter v. Macfarland, 27 App D. C., 182), and the court further held that "although the commissioners may have unlawfully exercised this power without challenge, yet such power will be denied them when duly challenged."

It is respectfully submitted that it would be unwise and unfair to clothe the commissioners with such great authority without giving the

citizens an opportunity to be heard on the necessity and advisability of the proposed closing.

Very respectfully, yours,

CHAS. M. EMMONS, M. D.,  
President East Washington Citizens' Association.

Mr. President, I have not had an opportunity to visit this locality, and I do not know anything about the facts. As I stated the other evening, the merits or demerits of the proposition are merely a matter of hearsay with me. If the chairman of the committee has any information on the subject, I should like to have him let us have it.

Mr. SMITH of Maryland. I will say to the Senator from Mississippi that the president of the board of education, Mr. Blair, in whom we have great confidence, came before our subcommittee and urged that this street, or so-called street, should be closed. He impressed us with the importance of it; and his statements, which can be found in the report of the hearing, were such that we believed that for the good of the school and the site it was necessary that the street should be closed.

If the Senator will permit me, I have a letter here from the president of the Northeast Washington Citizens' Association which I will have read from the desk. We felt that it was a proper thing to do because those who had looked into it, especially the president of the board of education, Mr. Blair, in whom we had great confidence, recommended that it should be done.

Mr. SMITH of Georgia. Mr. President—

Mr. VARDAMAN. Let the letter be read first.

The PRESIDING OFFICER. The Secretary will read the letter.

The Secretary read as follows:

NORTHEAST WASHINGTON CITIZENS' ASSOCIATION,  
Washington, D. C., January 12, 1915.

Hon. J. WALTER SMITH.

MY DEAR SENATOR SMITH: Relative to the committee amendment to the District of Columbia bill providing for closing the streets in the site for the new Eastern High School, which was objected to in the Senate to-day, permit me to say that I know of no opposition whatever to the closing of said streets except from those who are opposed to the site selected by the board of education and the commissioners for said school, and that I have never known a site to be selected for a building in this District that it was not opposed by parties interested in other sites.

I fail to see how anyone would be affected by the closing of said streets, one of which, A Street, has never been opened and can not be used, and Eighteenth Street, while open, is seldom used.

In view of the fact, however, that one of the Senators objected on the ground that the amendment is too general and granted to the commissioners too much authority, I suggest the advisability of revising the amendment so as to provide for the closing of A Street NE. from Seventeenth to Nineteenth Streets, and Eighteenth Street NE. from East Capitol Street to B Street.

Yours, very truly,

EVAN H. TUCKER,  
President Northeast Washington Citizens' Association.

Mr. SMITH of Georgia. Will the Senator from Mississippi permit me? I shall have to attend a committee meeting in a few moments.

Mr. VARDAMAN. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. Mr. President, I am opposed to allowing these streets to be closed, in part because I am very much opposed to this purchase. There is too much land continuously being purchased in the District, both by the District and by the Government, for which there is no necessity for a purchase. Instead of using land that we have, instead of using land now available, we continually purchase and purchase, and there is a constant pressure upon Congress to purchase.

I do not in any sense mean to reflect upon the committee, but yet I want to call attention to a couple of facts about this proposed purchase. As is known, when it was the purpose to make this purchase the owners of these four blocks asked for it \$232,000. I am advised now—

Mr. THOMAS. That is for one school building.

Mr. SMITH of Georgia. For one school building, four blocks, \$232,000. I find by the city papers of day before yesterday that they have come down to \$84,000. I find that the property is assessed at \$30,000.

I can conceive of no necessity for this large quantity of land for this schoolhouse. There are a number of pieces of land already owned by the District more accessible and better suited for the schoolhouse. These blocks are not on a street car line; they are not as accessible to the people of that section as land already owned by the Government. The present high school, I understand, is upon a piece of land in size equal to 2 acres. If instead of appropriating \$150,000 to buy more land we had appropriated \$75,000 to put another building on the present lot, that section of the city to-day would be better accommodated for high-school purposes.

Mr. GALLINGER. Does the Senator mean the present lot occupied by the Eastern High School?

Mr. SMITH of Georgia. So I have been advised.

Mr. GALLINGER. Has the Senator looked at it?



Mr. SMITH of Georgia. No; I have not.

Mr. GALLINGER. The Senator will not advocate it if he looks at it.

Mr. SMITH of Georgia. There are a number of other pieces of land already owned by the District fully as good as this piece that it is proposed to purchase, and when the time comes I wish to offer this amendment:

The appropriation of \$150,000 for the purchase of a site for the new Eastern High School is hereby withdrawn.

I think one of the pieces now owned by the District should be utilized instead of this perpetual purchasing of more ground by the Government and by the District.

Mr. GALLINGER. Mr. President, I am pretty familiar with the eastern section of the city.

Mr. VARDAMAN. I did not yield the floor. I yielded to the Senator from Georgia. I still hold the floor.

Mr. GALLINGER. I beg the Senator's pardon. I will not interrupt the Senator from Mississippi. I thought he had concluded.

Mr. VARDAMAN. I merely wish to say in this connection, Mr. President, that the imputation the gentleman makes against the motives of Dr. Emmons and others in the letter just read is hardly justified by the facts, because these gentlemen have no land to sell. They protest against this purchase and insist that the city already has plenty of land that is more favorably located; that there is a tract of 75 acres belonging to the Government, a part of which could be used for this purpose. The desire manifested by Dr. Emmons and his associates to save the Government \$150,000, the cost of the site for the school-house, ought to commend them to the Senate. I do not think that Mr. Tucker's suggestion that the motives of Dr. Emmons and others are not proper is justified by anything that has come out in this discussion. Indeed, the reverse is true.

I wish to call attention to another fact. This proposed amendment is, in my judgment, legislation upon an appropriation bill. It repeals a general law with reference to closing streets, and unless I hear from the Senator who has charge of the bill some better excuse for closing the streets than has up to this time been given I shall invoke that rule.

Mr. THOMAS. Mr. President—

Mr. GALLINGER. I believe I have the floor.

Mr. THOMAS. I yield to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire had previously risen.

Mr. GALLINGER. Mr. President, I did not know when I rose before that the Senator from Mississippi [Mr. VARDAMAN] was entitled to the floor, or I would not have interrupted him.

Mr. VARDAMAN. I want to assure the Senator from New Hampshire that I would have been very glad to yield to him. His uniform courtesy and decorum in debate imposes an obligation upon every Senator upon this floor to be not only courteous and obliging but deferential to the Senator from New Hampshire; but I simply wanted to let it be understood by the Chair that I had not yielded the floor.

Mr. GALLINGER. That is right.

I was about to observe, Mr. President, that I am reasonably familiar with the eastern portion of the District of Columbia, having traveled over it a great many times and with a view of acquainting myself with conditions. There has been an agitation for a good many years for a new Eastern High School. I have been importuned hundreds of times to exert what little influence I might have to secure an appropriation for that purpose. I have examined the present Eastern High School, both the building and the site. It is occupied not only by the Eastern High School but also by another school of a lower grade. The ground is almost entirely occupied; and yet it has been argued, time and time again, that there was room on that site for another high school. It is a mistake, and anyone who will look at it will see that it is a mistake.

Mr. President, personally I traversed that section of the city and I discovered there were four sites that I thought might be used for the purpose, Congress having made an appropriation for the purchase of a site. I recall the site that has been tentatively purchased by the commissioners and I think it is an admirable situation, but perhaps it is not any better than some others that might be obtained.

The controversy which has arisen, to the effect that we have plenty of land in that section of the city upon which to erect a high school can never appeal to me. It is on the eastern branch of the river. We are improving that now, or will have it improved in some years. At the present time it is an unhealthy situation. It is a reservation owned by the Government. On that site we have a jail—a very large jail.

Mr. LANE. I should like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Oregon?

Mr. GALLINGER. I yield to my friend from Oregon.

Mr. LANE. That was the same objection the Senator made last year when it was suggested by me that the site might be used for this purpose. I should like to ask him if it is not true that the location now selected is within easy access of the jail, which is a little more than a square distant? I am informed that it is.

Mr. GALLINGER. It is much more than a square distant. I will say to the Senator I do not know the exact distance, but it is considerably removed from that situation.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Hampshire yield?

Mr. GALLINGER. Certainly.

Mr. NORRIS. I wish to ask the Senator if this location which was finally determined upon is not, in his judgment, a little too far out? Is it not a little too much to one side of the locality that will patronize the school?

Mr. GALLINGER. Frankly I will say to the Senator that I personally have an impression that a site a little nearer the Capitol would have been a better site. That is my judgment, and yet whether such a site can be obtained or not I do not know.

Mr. NORRIS. I asked the Senator the question because I understood he had been looking over the sites. I will ask him, Are any of the sites that are now owned by the Government better located than the one which was selected?

Mr. GALLINGER. I know of no site owned by the Government except the reservation upon which the jail, the smallpox hospital, the crematory, the laundry building, and various other buildings of that nature are situated. The old Washington Asylum is on that site.

Mr. SMITH of Georgia. I should like to ask the Senator from New Hampshire if the proposed site is not within about a block of the smallpox hospital, certainly not more than that?

Mr. GALLINGER. I think it is a considerably greater distance than that.

Mr. NORRIS. Have the people who are objecting to the present site a suggestion to make as to a location for this school?

Mr. GALLINGER. I do not know. My attention was distracted when the letter the Senator from Mississippi had read was presented to the Senate. I do not know who those parties are.

I know this, Mr. President, from a long and rather sad experience. There never was an attempt made to buy a site in the District of Columbia for any purpose whatsoever that there were not objections to it. That is the rule, and it is the rule without variation. Mr. Tucker, whose letter was read, is president of the association covering that section of the city. We have, I think, 30 of these associations called "citizens' associations," and Mr. Tucker is president of the association that would seem to be most interested in this matter.

Mr. VARDAMAN. If the Senator will yield to me just a moment, I will say to him that the author of this letter is Dr. Charles M. Emmons, president of the East Washington Citizens' Association. I know nothing about Dr. Emmons personally. I had some investigation made, and one of the commissioners answered me that he was a man of good standing and of character.

Mr. GALLINGER. I personally vouch for Dr. Emmons. I know him. He is a citizen of standing and of influence, and his opinions are worthy of very serious consideration. I do not raise the question at all against Dr. Emmons or against the propriety of his expressing his views in reference to this matter.

But, Mr. President, what I rose to say—and I am not very particular about this matter one way or the other—is that I have a great deal of confidence in the board of education, particularly in the chairman of the board. I know that they have given a great deal of attention to this matter; they have reached a conclusion, and I think we ought to hesitate before offhand coming to a contrary conclusion here or taking the word of any citizen of the District that they have made a mistake. Possibly they have. If I had my way in this matter, I would not contend for this amendment. We have authority to close those streets. They are worthless, as I happen to know personally. They are of no account to anybody as they stand to-day, and probably never will be. We have authority to close them beyond a question for this public purpose. If the people in that section of the city who say they want a high school, and who have been importuning the committee and importuning me for 10 years that they should have an appropriation for a high school, can not agree among themselves where the high school



should be located, I would let them go without a high school a while longer. That would be my decision in the matter. So, personally, I would not contend for this amendment. If Senators who have looked into this matter are ready to take the word of others concerning it and think it ought not to be included in the bill, I should be quite willing to let it go out of the bill and let the matter rest another year. I think it would be unfortunate to postpone the construction of that building, and yet they will get along for another year.

Of course, I do not undertake to speak for the committee, and especially not for the chairman of the committee. I speak for myself; and I say frankly that I think those people ought to agree among themselves. They ought not to insist that any individual or little faction should have its own way as against the judgment of the Commissioners of the District of Columbia and the board of education, both of which bodies have agreed upon the site that is named in the bill.

Mr. President, that is all I care to say about it. I shall vote for the amendment if it is put to a vote, but if it goes out of the bill I will not allow myself to mourn over it, because I think the people in that portion of the city who are so insistent upon having a high school ought not to come in here at the last moment and undertake to obstruct and defeat an amendment submitted by the committee upon the recommendation of the commissioners and the board of education.

Mr. JONES. I wish to ask the Senator a question.

Mr. GALLINGER. I am through.

Mr. JONES. I ought to know, I suppose, being a member of the committee, but I will say I do not know. I thought we had already acquired the site for this school.

Mr. GALLINGER. We have appropriated \$150,000.

Mr. JONES. But have we acquired the site? Have we bought the site for which the money was appropriated?

Mr. GALLINGER. I think not. I think they have been bargaining for it.

Mr. JONES. I had an impression that we had acquired the site, and that the sole purpose of the amendment was to close up some streets.

Mr. THOMAS. Mr. President, I unsuccessfully opposed the making of this appropriation a year ago from the slight information which I then possessed. I believed that it was unnecessary to expend \$150,000 in the purchase of a site for a new schoolhouse. It was represented to me that the Government owned a tract of land amounting, as I now recall, to about 75 acres, a part of which could well be devoted to this purpose. The objection was made with great force by the Senator from New Hampshire [Mr. GALLINGER] that the character of the buildings upon that tract was objectionable to the erection of a schoolhouse in their vicinity. He spoke of the jail, I believe, and smallpox hospital and some other objectionable or undesirable structures, so far as this question is concerned, upon that tract of land. The Senate did not coincide with me and the amendment was allowed to stand.

I had practically forgotten the circumstance until my attention was called to this amendment a day or two ago by Dr. Emmons, the writer of the communication which the Senator from Mississippi [Mr. VARDAMAN] has submitted to the Senate. The proposed site, whether it has been purchased or is to be purchased, comprises a tract of ground laid out in four blocks. I am unable to say what are the dimensions of the blocks, but the purpose of the amendment, although its language is very vague, is to close the streets which divide these blocks so that the territory may consist of one compact whole. Of course, if it is necessary to use a large area of ground for the erection of a high-school building, it follows as a matter of course that the streets or public highways which either have been opened or have been surveyed through the tract should in some manner be vacated.

But, Mr. President, I believe as sincerely as I believed a year ago that if this money has not been actually devoted to the purchase of this tract of ground the appropriation itself should be repealed, for the reasons which were urged by the Senator from New Hampshire against the use of Government land in the neighborhood of this tract were good, and they seemed to be conclusive then and they are equally good and conclusive now. The tract which has been selected is within one block, or within two streets, to be more exact, of the territory which it was then supposed would be sufficient for this purpose. Of course, that does away with the immediate objection—that is to say, there is no direct contact between the proposed educational institution and these other buildings.

But to me it seems incredible, Mr. President, that if because of the existence of these buildings upon 75 acres of ground a

school should not be erected there, nevertheless it can be erected in that immediate vicinity, without resulting in the same contamination and exposure which would result from the utilization of a part of the land already owned by the Government. Seventy-five acres, and of course I am speaking by hearsay, is a very considerable tract of territory. These other institutions can very easily be assigned to some remote part or some particular part of this tract, and the remainder of it can be devoted to the erection of this high-school building. It therefore appeals to me now, as it did then, as a sheer waste of money.

I want to take this occasion to say to the people of the District of Columbia that it is precisely such appropriations and the use that is made of them that lies at the bottom of congressional objections to the half-and-half system; for, whether the notion be well or ill founded, it nevertheless does exist, that appropriations made by the Government for the partial support of the District of Columbia are invested in such wise as to accrue to the pecuniary advantage of citizens and property holders within the District. That, of course, involves no reflection whatever upon the committee, but it does justify the feeling that any Government funds which are used indirectly upon such purposes should be withdrawn and the appropriations by which the expenses of the District of Columbia are to be paid should come from the direct taxation of the property holders themselves.

Mr. President, I do not vouch for it, I do not know whether it is true or not, I make no charges, but I am informed that two members of the school board are the owners in trust of the title to a part of the ground that is to be conveyed for the erection of this structure.

Mr. VARDAMAN. Will the Senator yield to me?

Mr. THOMAS. Certainly.

Mr. VARDAMAN. I wish to call the Senator's attention to the statement made in this communication from Dr. Emmons that—

Every association of citizens of southeast Washington has opposed the selection of this site; not one indorsement can be found of record favoring the same. The Board of Commissioners has declined to grant the request of our associations for a public hearing, and as these commissioners, in whose selection our people have no voice—

They have declined to listen at all to their protest. They have declined to give them an opportunity that this matter might be submitted and the world might know the facts regarding this matter.

Mr. THOMAS. Yes; Mr. President, I was impressed with that recital when the letter was first submitted to the Senate. I was also impressed with the fact, because it is a fact, suggested by the chairman of the committee and by the Senator from New Hampshire that the selection of a site for a public or semipublic building always results in opposition. That is true. It is human nature. It is just as true of the city of Denver as it is of the District of Columbia. It is just as true of any municipality or any community where money is to be expended for public or semipublic purposes that rival interests desire to secure the location of a site for it. But here, unless I am misinformed, the objection to this site does not come from aggregations of individuals owning other sites and seeking to secure investment in those sites; it comes from a body of people whose children are dependent upon this school for their education and who object to its location at this particular place; first, because of the fact that it is largely remote from the center of population of the community, and also because it is too expensive; because it is larger than is necessary, and also because it involves, among other things, the closing of the streets belonging to the people of the United States, and the virtual transfer of the title and possession thereto to the District of Columbia.

Mr. VARDAMAN. If the Senator will pardon me, they also insist that the Government owns land that is better situated and more suitable for the site than the land it is proposed to buy.

Mr. THOMAS. The Senator anticipated what I was going to add as another and, to my mind, the conclusive reason. If it be true, Mr. President, that the title of this property is vested, either in trust or otherwise, in any member of the board of education, that circumstance itself justifies the impression that the transfer itself should be very carefully scrutinized before it shall be approved even indirectly by legislation of this sort.

Now, Mr. President, before I take my seat I want to inquire whether a point of order has heretofore been presented against the consideration of this amendment.

Mr. SMITH of Maryland. My understanding is that it has been.

The PRESIDING OFFICER. The Chair is advised that a point of order had been presented and overruled. It was made by the Senator from Georgia [Mr. SMITH].



Mr. THOMAS. I do not care to say anything more on this subject, Mr. President.

Mr. SMITH of Maryland. I should like, if the Senator from Colorado will permit me, to ask him a question.

Mr. THOMAS. Certainly.

Mr. SMITH of Maryland. Individually I know very little about this site. I have depended and the committee has depended upon the judgment of the board of education. Therefore I have nothing to say in regard to its eligibility except that these matters are placed in the hands of the board of education here. I do not know many of the members of that board. I know some of them. I do know the superintendent of the board, Mr. Blair, and I have a very high regard for him in every particular.

Mr. THOMAS. May I ask if that is Mr. Woodbury Blair?

Mr. SMITH of Maryland. I do not know his first name.

Mr. GALLINGER. Mr. Henry P. Blair.

Mr. SMITH of Maryland. The Senator was just arguing that the Government had a large quantity of land on which a school could be built; and he said that the buildings upon this land could be removed so that a site—I presume that was the idea—could be made eligible for this school.

Mr. THOMAS. Yes; in other words, that the entire tract was not necessary for the structures now upon it.

Mr. SMITH of Maryland. Yes; but upon this site of which the Senator speaks, as I understand, there is a jail, a crematory, a smallpox hospital, and another hospital. So it strikes me that it would cost a great deal more money to remove those buildings than a site would cost elsewhere. It would be a tremendous undertaking to move all those buildings in order to obtain an eligible site. The Senator may be right in the matter; I do not know as to that; but we, of course, have to depend upon somebody. It is not the function of the individual members of the committee to personally know these things. I am willing to confess, so far as I am concerned, that I do not know; and the action which I, as a member of the committee, have taken has been dependent upon the advice and information which I have obtained from the parties who are delegated with the power to act in such matters.

Mr. THOMAS. I have not the slightest doubt, Mr. President, but that is so; but the fact that—

Mr. TOWNSEND. Mr. President, I wish to ask the Senator from Maryland a question if the Senator from Colorado will allow me to do so.

Mr. THOMAS. I yield.

Mr. TOWNSEND. The Senator in charge of the bill has heard the statement which has just been repeated here—that several members of the board of education or of the school commissioners are interested either as trustees or otherwise in this site.

Mr. THOMAS. I should say as to that that they are interested as trustees; that is my information.

Mr. TOWNSEND. Is there any answer to that?

Mr. SMITH of Maryland. If that is the case, I know nothing about it. I have never heard the statement made that such was the case.

Mr. GALLINGER. The answer to that would be that, if that can be shown, there is not a member of the committee who would not repudiate the action of the commissioners and of the board of education. I have never before heard it suggested. The Senator from Colorado says somebody told him that it was so.

Mr. THOMAS. I said that Dr. Emmons told me. I would not make a statement of that sort upon the floor of the Senate without giving the author of the information.

Mr. GALLINGER. This is the first intimation that we have had of it.

Mr. THOMAS. I have no doubt of that, Mr. President.

Mr. SMITH of Maryland. There might be conditions when a matter of that kind might militate against the purchase of property. At the same time, I should think that a man could be a trustee for a property, if he is an honorable and upright man, and yet it would not influence him to do an improper thing in the sale of it or in turning it over to the Government.

Mr. THOMAS. I do not question that either. The fact is not a conclusive one. It is one, however, which always should receive inspection, as it would have done, I am sure, if any member of the committee had been informed of it.

Mr. SMITH of Maryland. I grant that.

Mr. THOMAS. It may be that the information which I have received and which I have deemed it my duty to lay before the Senate will, upon investigation, be found to be erroneous.

Mr. GALLINGER. Will the Senator from Colorado permit me to make a suggestion?

Mr. THOMAS. With pleasure.

Mr. GALLINGER. It is rather remarkable that Dr. Emmons, a gentleman whom I know and whom I respect, should not come to the committee to make a statement of that kind. He did not do so.

Mr. THOMAS. The Senator from New Hampshire has vouched for Dr. Emmons. My acquaintance with him is casual.

Mr. GALLINGER. Now, I will ask the Senator from Colorado if Dr. Emmons or anyone else has told him who these members of the board of education are who have an interest in this property?

Mr. THOMAS. He did not. He did not mention any names.

Mr. LIPPITT. Mr. President—

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Rhode Island?

Mr. THOMAS. I yield to the Senator from Rhode Island.

Mr. LIPPITT. It seems to me that that almost amounts to an anonymous communication. I should think that if a charge were going to be brought up here on the floor of the Senate it at least ought to be definite enough to specify individuals. You can not indict a whole nation; you can not indict a whole board on the ground that some of them have done something wrong. It seems to me there ought to be a little more specificity to that accusation.

Mr. THOMAS. Mr. President, you can not indict a whole nation, but boards have frequently been indicted. I am not indicting this board, nor am I indicting any member of it. I am giving a reason which, if true, can be ascertained, inasmuch as it applies to one or two of a very small circle of men. I conceive that the fact itself may be an entirely innocuous one in so far as this transaction is concerned and that a trustee dealing with his property with others may do so with perfect propriety and along the line of his duty without subjecting himself to criticism.

One word as to the last statement of the Senator in charge of the bill [Mr. SMITH of Maryland]. If it be true, Mr. President, that upon this Government tract of land there is a jail and a smallpox hospital, which it may be expensive to remove, it argues either that they should have been removed long ago or else that they are located in a practically uninhabited part of the city. If there is a community of children in that section needing this institution, then these other institutions should have been removed long ago.

If, on the other hand, there is no considerable population there, when you select a site two blocks beyond that point, it is no place for a schoolhouse, and you might as well go farther into the country. I have yet to be convinced that a tract of land 75 acres in extent belonging to the Government is not sufficient for the purpose for which it is sought to be used and sufficient as well for the erection of this structure.

For my part, I am opposed to the policy under which the Government of the United States purchases private property in this District for any purpose unless it is absolutely necessary—and the burden should be upon those who assert the necessity to prove it—when, as a matter of fact, it is known that the United States is the owner of a large amount of territory within the District.

Why, Mr. President, one of the arguments made in favor of the half-and-half system here, the one which appealed to me, was that the United States owns over 50 per cent of the territory in this District, yet in matters of this kind moneys appropriated by the Government are frequently used for the purpose of purchasing private property.

Mr. JAMES. Mr. President, if the Senator from Colorado will permit me, my information is that the Federal Government does not own more than 5,000 acres of land in the District, and that a great deal of that is owned on the half-and-half principle. For instance, that is the case with the Rock Creek Park. Practically, about 100 acres of the land here is used by the Federal Government for its buildings and its work.

Mr. THOMAS. Whether it be true or not to the extent to which I have stated it—and I am informed that such is the fact—it certainly is true that the Government has plenty of territory upon which to erect its structures.

Mr. JAMES. I do not doubt that in the slightest. I was merely seeking to correct the Senator's statement, as I am informed about the number of acres that the Federal Government really owns in the District. I am in sympathy with the Senator's position.

Mr. NORRIS. Mr. President, it seems to me that the location selected for this high school is an unfortunate one. I believe also that the location of the Government property would be just a little bit more unfortunate. I presume when you refer to the land owned by the Government reference is made to that tract of land upon which the jail, the workhouse, and these other buildings are located. They are in the same vicinity,



being but a block or two away. In either case the location for a high school, it seems to me, is undesirable, for the reason that—

Mr. SMITH of Maryland. Will the Senator from Nebraska permit me to interrupt him there to make a suggestion which will probably facilitate the matter?

Mr. NORRIS. Will the Senator merely let me finish this sentence?

Mr. SMITH of Maryland. Yes.

Mr. NORRIS. This locality is entirely to one side of the district that will furnish the students for the high school. Now I yield to the Senator from Maryland.

Mr. SMITH of Maryland. Before making my statement, I wish to read a letter which has just been sent to me. It is as follows:

I desire to inform you that before selecting the site for the Eastern High School the board of education gave a full hearing to Dr. Emmons and others interested, and heard his argument, as well as others.

Mr. GALLINGER. By whom is that letter signed?

Mr. SMITH of Maryland. It is signed by Mr. Tucker, president of the Northeast Washington Citizens' Association.

I would suggest to the Senator, inasmuch as there have been some statements made about some of the members of the board of education being trustees, that this matter be postponed, and let us make some investigation in regard to it.

Mr. GALLINGER. Let it be passed over.

Mr. SMITH of Maryland. There is not a member of the committee who wants the Government improperly treated in any way. I can hardly think, however, that there is any member of this board, whether he be a trustee or not, who would lend himself to anything wrong. At the same time, as the charge has been made, I think it would be well to lay the matter over until to-morrow and let us make an investigation.

Mr. STONE. Mr. President, as to laying the matter over until to-morrow, I should like to ask the Senator from Maryland—

Mr. SMITH of Maryland. Pardon me a moment. I did not mean to lay the bill over; I meant this one item.

Mr. STONE. If we should pass the bill to-night, what would become of that item?

Mr. SMITH of Maryland. We could not pass the bill if it were allowed to go over.

Mr. STONE. Will my friend from Maryland allow me to make a suggestion with respect to this item?

Mr. NORRIS. Mr. President, I think I have the floor, but I yield to the Senator. I will not object to the Senator making a statement.

Mr. STONE. I beg the Senator's pardon. At the moment I thought the Senator had yielded the floor. I will only occupy a moment, if the Senator will yield to me.

Mr. NORRIS. Certainly.

Mr. STONE. Inasmuch as the question has been raised here about the interest of members of the board of education in property they are advising us to purchase by this appropriation, leaving us in doubt as to whether the action is entirely what it ought to be; and, inasmuch as the Senator from New Hampshire [Mr. GALLINGER], who is as familiar with District affairs, I suppose, as any other Senator here, and whose devotion to the interests of the District is recognized by everybody, thinks that no harm would be done or public interest jeopardized by postponing action on this item until the next appropriation bill—whether the Senator from Maryland concurs in that view of the Senator from New Hampshire I do not know—but, in view of the whole situation, I desire to inquire if it would not be better, all things considered, to let this item go out of the bill?

Mr. GALLINGER. Mr. President, will the Senator from Nebraska permit me to say a word?

Mr. NORRIS. I yield to the Senator.

Mr. GALLINGER. Mr. President, I did express myself as the Senator from Missouri suggests. I am troubled, however, about the accusation which has been made. Mr. Henry P. Blair, chairman of the board of education, is the son of a man who occupied a seat on this floor for 12 years. Mr. Blair is a man of the highest integrity and is so recognized by the bar of the District of Columbia. He has served as assistant corporation counsel, a position which he resigned to continue private practice. He is a man against whom no breath of suspicion has ever been uttered or thought of, and I dislike exceedingly to have this matter dismissed at the present time without being looked into with some care. It is a serious accusation. While Mr. Blair's name—

Mr. THOMAS. Will the Senator allow me to interrupt him?

Mr. GALLINGER. I will yield to the Senator in a moment. While Mr. Blair's name has not been mentioned, he is my friend; he is from my State originally, although he has lived

in Washington from early boyhood, coming here with his father when he was a Member of the Senate, and I feel unwilling that anything should go on the records here that might taint his good name; that is all.

Mr. THOMAS. Will the Senator allow me to interrupt him?

Mr. GALLINGER. I yield to the Senator if the Senator from Nebraska does not object.

Mr. THOMAS. I have just been informed by Dr. Emmons that, upon examination of the records, Mr. J. B. Larnier was found to be trustee for part of this property for the Washington Loan & Trust Co. That is the extent to which Dr. Emmons now goes concerning the matter.

Mr. GALLINGER. Mr. Larnier is counsel for the Washington Loan & Trust Co., and it develops that the Washington Loan & Trust Co. has some interest in this property. That, Mr. President, is pretty gauzy. I think it bears out the point I have in mind.

Mr. THOMAS. Mr. President, of course the Senator does not refer to anything but the last statement.

Mr. GALLINGER. What I meant to say was that it is remote; that it does not apply to any member of the board of education.

Mr. THOMAS. The statement which I first made was made practically as it was given to me, and is now made practically as it was given to me again.

Mr. SMITH of Maryland. I think the Senator said, in the first instance, that two members of the board of education, instead of one, were in some way interested.

Mr. VARDAMAN. Mr. President, we can not hear the colloquy which is going on.

Mr. THOMAS. I say that the statement which was given to the Senate was given practically as it was given to me, and the last statement is the statement which Dr. Emmons has just furnished me. I have made no statement here of my own.

Mr. VARDAMAN. What connection has this man with the board of education?

Mr. THOMAS. I have made no statement here of my own, upon the theory that it was either gauzy or unfounded.

Mr. VARDAMAN. What connection has this gentleman with the matter?

Mr. THOMAS. As I understand, Mr. Larnier is one of the trustees.

Mr. NORRIS. Mr. President, as I understand the Senator from Colorado, the matter reduces itself to this: That a member of the school board is attorney for the Washington Loan & Trust Co., and the Washington Loan & Trust Co. has an interest in this property, or part of it.

Mr. THOMAS. That is the substance of the information which I have just given to the Senate.

Mr. NORRIS. Does the Senator have any information as to the nature of the interest which the Washington Loan & Trust Co. has in the matter?

Mr. THOMAS. No; I assume, however, that its interest is in the shape of a deed of trust given to secure a loan.

Mr. NORRIS. That is, a mortgage on the property?

Mr. THOMAS. Yes.

Mr. NORRIS. Unless they were very wild in making the loan, I do not suppose they are at all interested whether this is to be used as a school ground or whether it is to be used for a farm.

Mr. President, the particular clause which we now have up for consideration ought to become a law if the site to which it relates is to be acquired for the Eastern High School. The particular provision we are discussing gives the Commissioners of the District of Columbia the authority to close the streets that lie within the boundaries of the site. I think, however, the selection of this site would be a serious mistake. I think the site ought to be located more in the center of that part of the district which will supply the students for the new high school.

I should like to say, in reply to some of the suggestions made by the Senator from Colorado, that I believe there ought to be a new Eastern High School. I am somewhat acquainted with the present high school and its locality. I have been on the premises and in the building, and I think no Senator here who will look at it will say that there is room enough there or that it would be advisable to build a new high school on the same site. There is located on the same tract of ground on which the Eastern High School is situated the Wallach School, which in itself is a large building, and there is not sufficient room for playgrounds. Under the conditions as they now exist I believe that a new location and a new school building are absolutely necessary, but the new building ought to be located at some point not away to one side of the population to be served.



This particular location, as I understand, is out on Eighteenth Street, which is half a mile beyond Lincoln Park, that park being located between Eleventh and Thirteenth Streets, so that it is at a point where there are very few buildings inhabited by citizens of the District. The location suggested by several Senators on the tract where the Government owns 75 acres is still farther out. If that site were selected, the pupils would all come from one direction and there would be none coming from the other direction.

I do not believe that the Government owns property in a more central and accessible location that could be used as a site for this school unless it be one of the parks. There is located what would be a splendid site for the Eastern High School just north of Providence Hospital, a beautiful park, but I presume that would be objected to because it would be taking up one of the parks of the city. There may be other parks and triangles which perhaps, by closing portions of some streets and acquiring some adjacent property, would make desirable sites, but—

Mr. GALLINGER. Mr. President, just a word.

Mr. NORRIS. I yield to the Senator.

Mr. GALLINGER. The Senator has not dealt as directly with District matters as it has been my misfortune to do. I want to say to the Senator that if any movement were inaugurated to take 40 feet square from any park in the District of Columbia there would be a rebellion on hand at once.

Mr. NORRIS. Certainly, there would be; there would be a rebellion in the Senate; there is not any doubt about that. I am not advocating that, and I do not want to be understood as advocating it; but I am suggesting this in answer to the argument which has been made that the Government already owns a site, and I am saying that the only sites which would be at all appropriate are those that are now used for public parks.

Mr. GALLINGER. Mr. President, if the Senator will permit me further, the question of acreage property in the District of Columbia has been very seriously considered by some of us. When the movement was inaugurated to establish a reformatory, which was a very much needed institution, we were compelled to go to Virginia to get land. We have no acreage property in the District of Columbia suitable for large buildings.

Mr. NORRIS. I am satisfied that the Senators who are stating that there is property now owned by the Government suitable as a site for the Eastern High School certainly have not made an investigation, or they would be convinced that there is not such a property, unless we go to that portion of the city where the jail and the reformatory are located. While it seems to me that would not be very much worse than the location which has been suggested, if the school—

Mr. JONES. Mr. President—

Mr. NORRIS. I will yield to the Senator in a moment; I merely wish to say something in regard to the closing of the streets.

If the school is to be located on the blocks indicated, then the streets running through the blocks ought to be used, of course, as part of the reservation, and, indeed, there would be no further use for such streets running through those blocks.

An examination of the map of the District of Columbia convinces me that they are very small blocks; they are narrow in one direction, at least; and, although I do not know their dimensions, I do not believe those four small blocks constitute any too great an area for a high school that will meet the needs of the present and of the future. If the site proposed is selected, then, of course, the streets ought to be closed. I now yield to the Senator from Washington.

Mr. JONES. Mr. President, I merely want to ask the Senator if it is not true with reference to his suggestion that it would be better to have the school site located a little nearer the center of the school population or nearer the Capitol, if such a site would not be much more expensive to acquire?

Mr. NORRIS. I have no doubt of that.

Mr. JONES. And that probably had some influence in the selection of the present site?

Mr. NORRIS. I presume that was taken into consideration.

Mr. STERLING. Mr. President, I should like to be informed just a little further in regard to the purchase of the proposed site for the Eastern High School. According to the wording of the amendment, reference is made to "any site purchased." It does not say "any site to be purchased" or "any site which may be purchased," and I think the ordinary import of the language would be that it is a site which has already been purchased. I should like to know, in that connection, what has been done in the way of the purchase of the site, what negotiations have been had, and whether there has been any transfer made of any agreement been entered into to transfer the property to be used for the site?

Mr. SMITH of Maryland. From all I have been able to gather, my impression is that an option has been taken on the property. I doubt whether there has been any transfer of it, and I think there has not been.

Mr. VARDAMAN. Mr. President, it is impossible to hear the Senator.

Mr. SMITH of Maryland. I say that my impression is that they have an option upon the property, but I do not think there has been any transfer of the property.

Mr. VARDAMAN. No harm would be done, then, if the appropriation were repealed.

Mr. SMITH of Maryland. Yes; a great deal of harm would be done if the appropriation were repealed, for that would amount to saying that we did not want a school at all, and we would have to commence all over again. I see no reason why, even if there is objection to this piece of property, the appropriation should be repealed. There is a necessity for this school, and the appropriation was made to provide for it.

Mr. LIPPITT. Mr. President, I have heard it suggested that this property was to be acquired under condemnation proceedings. Can the Senator from Maryland tell us anything about that situation?

Mr. SMITH of Maryland. I am not advised as to that.

Mr. SHAFROTH. Mr. President, the Senator from Nebraska [Mr. NORRIS] made some reference to this site, and said he thought the blocks were rather small. I hold in my hand a plat of that section of the city, which shows the site referred to and also the other sites as to which bids have been submitted. The site which has been recommended consists of four blocks. The scale of this map is 500 feet to 1 inch. According to that this site is about 1,200 feet in length by 1,000 feet in width, constituting four blocks and the intersecting streets.

Mr. NORRIS. Mr. President, will the Senator allow me to interrupt him?

Mr. SHAFROTH. I yield to the Senator.

Mr. NORRIS. If we are to buy property out there for a high school—and the cheapness of that property may have been one of the reasons that induced the recommendation in its favor, for property is cheap there compared with that in other locations which, I think, more desirable for school purposes—we ought to have four blocks. I do not believe that is too much.

Mr. SHAFROTH. I am not complaining of that.

Mr. NORRIS. The trouble with our schools is usually that the playgrounds surrounding them are too small, and if we are going to locate the high school there at all we ought to acquire ground enough so that there may be suitable playgrounds. I repeat that four blocks, I think, is not too much.

Mr. SHAFROTH. I will suggest to the Senator that this same map shows two blocks to the south, on Nineteenth Street, a reservation, being reservation No. 13, which is probably 25,000 feet in length, and extends indefinitely, at least so far as this map shows, to the east, and upon which it is said a jail is located, and I suppose "H" means hospital.

Mr. NORRIS. Yes. Well, that is about a block away, or a block and a half.

Mr. SHAFROTH. This is two blocks farther south, and Massachusetts Avenue runs into it. This is quite a large tract of land, constituting, I understand, about 75 acres. Of course, if this land lies well, there would be ample room for the erection thereon of a public high school, and it is not so very far away, but I do not know the location.

The difficulty I find concerning this matter, Mr. President, is that we do not know enough about it; the committee does not know enough about it to determine whether or not this is the best location. We are taking the judgment of the board. In view of the fact that there are some disputes here with relation to it, and the Government owns 75 acres very close to this site, and we ought not to buy property unless it is important that we should, I think it ought to go over until to-morrow, to let some investigation be made by the committee to determine whether or not this is desirable.

Mr. GALLINGER. Mr. President, will the Senator from Nebraska yield to me?

Mr. NORRIS. Yes.

Mr. GALLINGER. Mr. Blair, the president of the board of education, was before the committee, and this was his statement. I wish Senators would listen to it:

In regard to the Eastern High School site, after a great deal of argument and after a very bitter fight by one of the citizens' associations, which was made here before this committee and has been strenuously continued before the commissioners and every other body since then, for the selection of the jail site, on reservation 13, for the Eastern High School, the commissioners finally, at our request, asked for bids. Bids were received for four different parcels. They have all been carefully inspected. The sites committee of the board and the superintendent spent half a day out there inspecting the sites and inspecting the ground in the eastern section of the city to see whether there was any



ground available within the appropriation that was better than the sites that were offered; and we finally concluded to recommend and did recommend some time ago to the commissioners—nearly a month ago, now—a definite site. As was to be expected, as soon as a definite site was recommended there was opposition to it, which always happens; but from the statements the commissioners have made to me personally or that have been made to other members of the board, I believe the site selected is going to meet with their favor. They think, as we do, it is the best site of all.

That was the statement of the president of the board of education to the committee a few days ago. The matter is in the hands of the Senator from Maryland.

Mr. SMITH of Maryland. The question, as I understand it, is upon the amendment offered by the committee. The Senate can do what it pleases with it. We thought it was a proper thing to put in the bill, and we put it in. If the Senate thinks proper, it can take it out.

Mr. LANE. Mr. President, last year a site was suggested on the Government reservation. The Senator from New Hampshire objected to it then for the reason, given by him, that it was near a jail, not far removed from a smallpox hospital, and there was no street car service there. I am told from what seems to be a reliable source that about the same conditions prevail in connection with this site. The other was a Government-owned site, and, of course, would cost nothing. This one would cost the Government money if it purchased it, if that has not already been done, and its situation, so far as contiguity to these other institutions is concerned, is not much different. I am also told that there is not only no street car line near it but that certain trash is dumped in the low ground near there and burned during the summer, and that the smoke from such burning waste matter floats over this neighborhood and will be a disadvantage; also that the area is a low piece of ground, which is a breeding place of mosquitoes, and that it is far removed from the residences of the people who desire to send their children to a high school. In other words, that it has very little to commend it, and that if a purchase is going to be made for a high school to accommodate that neighborhood it should be made several blocks nearer the center of the city.

Mr. VARDAMAN. Mr. President, I want to say briefly that I do not see how the Senate can adopt this amendment with the cloud of doubt and suspicion which rests upon it. The chairman of the committee states he has not given the matter very thorough consideration.

Mr. SMITH of Maryland. I did not state that I had not given it thorough consideration. I have given it thorough consideration.

Mr. VARDAMAN. I beg the Senator's pardon. My understanding was that he said that he did not know about this, that he had not considered the question fully. I would not misunderstand the Senator.

Mr. SMITH of Maryland. I say I do not know personally about the site, nor do I consider that I would be as well qualified to judge of the eligibility of the site as those who have already been intrusted with that duty.

Mr. VARDAMAN. Has there been a hearing by the committee on this subject? Have the citizens of that community come before the committee?

Mr. SMITH of Maryland. The money for the site was not appropriated at this session. It was appropriated last session.

Mr. VARDAMAN. Had any evidence been taken by the committee as to the necessity for closing these streets?

Mr. SMITH of Maryland. I do not know, so far as that is concerned.

Mr. VARDAMAN. Has the chairman of the committee, if he will pardon me, any information on that subject?

Mr. SMITH of Maryland. Yes; I stated that the president of the board of education came before us and gave his views in regard to it, and we have them here now, if the Senator from Mississippi would like to see them.

Mr. VARDAMAN. I think the Senator from New Hampshire read it a moment ago; did he not?

Mr. SMITH of Maryland. Then the Senator knows that there has been some hearing.

Mr. VARDAMAN. Oh, I understand that the Senator from Maryland said that he acted upon the advice of the president of the board of education.

Mr. GALLINGER. Mr. President, if the Senator from Mississippi will permit me, this matter was quite as acute a year ago as it is now, and Dr. Emmons did state his objections to several members of the committee, and I think to the subcommittee as a body. I have an impression—in that I may be somewhat wrong, however—that no other citizen of that section of the city appeared and asked for a hearing on the matter itself. Dr. Emmons was very insistent then, as he is now, that

this school building shall be placed on reservation 13, owned by the Government.

Mr. VARDAMAN. Mr. President, I have no interest in this matter other than a desire that the best thing may be done for the District of Columbia.

Mr. GALLINGER. I have no doubt of that.

Mr. VARDAMAN. When we consider the statement made by the Senator from Colorado [Mr. THOMAS] as to the interests which have operated and the suggestions that have been made and the influence exerted to bring about the sale of land, while there may not be any foundation, in fact, for the charge or suggestion, I really think the matter ought to be looked into thoroughly. If it is all right, if there is nothing wrong about it, if it is for the best interests of the District of Columbia and the people of that community in which the school is situated, I am in favor of it. I have no knowledge of the subject except that which comes to me from the representative of an association of citizens living there.

I want to say that I would rather act upon the judgment of the men and the women living in the community who are to be benefited by this school than the opinion of one of the commissioners or the president of the board of education. These people are to be served. They are to be taxed to maintain this school, and I think they have a right to be heard. The statement made here by Dr. Emmons, which I have read into the RECORD, has not been contradicted. I think, in the light of all that and the suggestions that common prudence demands, that the matter ought at least to go over until the truth can be discovered regarding it. The Senate owes that much to itself.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. VARDAMAN. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	O'Gorman	Simmons
Bankhead	Hitchcock	Oliver	Smith, Md.
Brady	Hollis	Overman	Smoot
Brandeggee	James	Page	Sterling
Bryan	Johnson	Perkins	Stone
Burleigh	Jones	Poindexter	Sutherland
Camden	Kenyon	Pomerene	Swanson
Chamberlain	Kern	Ransdell	Thomas
Chilton	Lane	Robinson	Thompson
Clapp	Lea, Tenn.	Root	Thornton
Clark, Wyo.	Lee, Md.	Saulsbury	Townsend
Culberson	Lippitt	Shafroth	Vardaman
Dillingham	Lodge	Sheppard	Walsh
Fletcher	Martine, N. J.	Sherman	White
Gallinger	Nelson	Shields	Williams
Gronna	Norris	Shively	Works

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. A quorum is present. The question is on the pending amendment on page 47. [Putting the question.] By the sound the "ayes" seem to have it.

Mr. VARDAMAN and Mr. THOMAS called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. SMITH of Maryland. Mr. President, a great many Senators do not understand the amendment. Will the Secretary please state it?

The VICE PRESIDENT. The question on which the yeas and nays have been ordered will be stated.

The SECRETARY. On page 47, after line 18, it is proposed to insert:

The Commissioners of the District of Columbia are hereby authorized and directed to close public areas which may lie wholly within the boundaries of any site purchased for the Eastern High School, and the same, when so closed, shall be used as a part of said site.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CAMDEN (when his name was called). Again transferring my pair, I vote "nay."

Mr. CHILTON (when his name was called). I have a pair with the junior Senator from New Mexico [Mr. FALL]. I transfer that pair to the senior Senator from Nevada [Mr. NEWLANDS] and will vote. I vote "yea."

Mr. REED (when his name was called). I transfer my pair with the senior Senator from Michigan [Mr. SMITH] to the junior Senator from South Carolina [Mr. SMITH] and will vote. I vote "yea."

Mr. SUTHERLAND (when his name was called). I announce my pair with the senior Senator from Arkansas [Mr. CLARKE], which I transfer to the junior Senator from Wisconsin [Mr. STEPHENSON], and will vote. I vote "yea."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE], but I am informed by his colleague that if he were present he



would vote the same way that I intend to vote. I therefore feel at liberty to vote, and I vote "yea."

The roll call was concluded.

Mr. BRANDEGEE (after having voted in the affirmative). I am paired with the junior Senator from Arizona [Mr. SMITH]. I transfer that pair to the senior Senator from Pennsylvania [Mr. PENROSE] and will allow my vote to stand.

Mr. DU PONT. I wish to inquire whether the senior Senator from Texas [Mr. CULBERSON] has voted.

The VICE PRESIDENT. He has not.

Mr. DU PONT. I have a general pair with that Senator. I transfer that pair to the junior Senator from West Virginia [Mr. GOFF] and will vote. I vote "yea."

Mr. SAULSBURY. I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Nevada [Mr. PITTMAN] and will vote. I vote "yea."

Mr. MYERS. Has the junior Senator from Connecticut [Mr. MCLEAN] voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I have a pair with that Senator, and in his absence withhold my vote.

Mr. CLAPP (after having voted in the affirmative). I desire to ask whether the senior Senator from North Carolina [Mr. SIMMONS] has voted?

The VICE PRESIDENT. He has not.

Mr. CLAPP. Then I will withdraw my vote.

The result was announced—yeas 46, nays 20, as follows:

#### YEAS—46.

Bankhead	Gronna	O'Gorman	Sterling
Brady	Hitchcock	Oliver	Sutherland
Brandegee	Johnson	Page	Swanson
Burleigh	Jones	Perkins	Thompson
Burton	La Follette	Poin Dexter	Thornton
Chamberlain	Lea, Tenn.	Ransdell	Townsend
Chilton	Lee, Md.	Reed	Walsh
Clark, Wyo.	Lippitt	Root	Weeks
Crawford	Lodge	Saulsbury	Williams
Dillingham	Martine, N. J.	Sherman	Works
du Pont	Nelson	Smith, Md.	
Gallinger	Norris	Smoot	

#### NAYS—20.

Ashurst	Hughes	Robinson	Stone
Bryan	James	Shafroth	Thomas
Camden	Kenyon	Sheppard	Tillman
Hardwick	Kern	Shively	Vardaman
Hollis	Lane	Smith, Ga.	White

#### NOT VOTING—30.

Borah	Fall	Myers	Simmons
Bristow	Fletcher	Newlands	Smith, Ariz.
Catron	Goff	Overman	Smith, Mich.
Clapp	Gore	Owen	Smith, S. C.
Clarke, Ark.	Lewis	Penrose	Stephenson
Colt	McCumber	Pittman	Warren
Culberson	McLean	Pomerene	
Cummins	Martin, Va.	Shields	

So the amendment was agreed to.

Mr. GALLINGER. Mr. President, I will ask my colleague, the chairman of the committee, whether the committee amendments have all been acted on?

Mr. SMITH of Maryland. I will say that on page 59 there is an amendment that has not been acted upon.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. The next amendment passed over is, on page 59, where after line 23 it is proposed to insert:

The examinations, inspection, rules, and regulations concerning the milk supply of the District of Columbia shall be applied alike to each State shipping milk into said District.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. That completes the committee amendments.

Mr. SMITH of Maryland. There are some amendments on the part of the committee that my colleague on the committee wishes to offer.

Mr. GALLINGER. Mr. President—

#### EVENING SESSION FOR BILLS ON CALENDAR.

Mr. KERN. I desire to ask, first, a unanimous-consent agreement that not later than 6 o'clock the Senate shall take a recess until 8 o'clock this evening when the calendar, under Rule VIII, shall be called for the disposition of unobjected bills.

The VICE PRESIDENT. Is there any objection?

Mr. TOWNSEND. Mr. President, I am very anxious to take up the calendar, but I do not like the modification that it shall be confined to unobjected bills. Therefore I object.

Mr. KERN. I move that not later than 6 o'clock this evening the Senate take a recess until 8 o'clock when it shall proceed to the consideration of unobjected bills on the calendar under Rule VIII.

Mr. TOWNSEND. Mr. President, I am not aware that a motion of that kind is in order, and therefore I make the point of order that it is not in order.

The VICE PRESIDENT. The Chair will inquire of the Senator from Michigan what rule of the Senate it is that prevents this action?

Mr. TOWNSEND. I know of no rule that permits a motion to be made to proceed to the consideration of unobjected bills. There is no doubt about its being proper to make a motion to proceed to the consideration of the calendar, but a motion to proceed to the consideration of unobjected bills on the calendar is, in my judgment, out of order.

Mr. BRANDEGEE. Mr. President, a further point of order in connection with that motion as made is that there is coupled the modification that we shall take a recess until 8 o'clock.

Mr. KERN. The motion is in the usual form and it is very frequently made. It is that at not later than 6 o'clock this evening the Senate will take a recess until 8 o'clock.

Mr. BRANDEGEE. And that then, upon a motion now made, the Senate shall proceed to the consideration of unobjected bills.

Mr. KERN. At which hour the Senate shall proceed to the consideration of unobjected bills on the calendar under Rule VIII.

Mr. BRANDEGEE. I do not think myself that that is in order.

The VICE PRESIDENT. The Chair overrules the point of order, and holds that the motion is in order.

Mr. CLAPP. Mr. President, a parliamentary inquiry. If the motion prevails, would it prevent the Senate, when it convenes at 8 o'clock, from taking up under Rule VIII a bill by a vote of the Senate against an objection?

Mr. GALLINGER. It surely would.

Mr. CLAPP. Then I certainly renew the point of order. I do not believe it is possible for the Senate in this informal manner to bind a majority of the Senate when they meet again.

Mr. BRANDEGEE. If the point of order is overruled, I ask that the motion be divided; that the part fixing the hour at which we shall take a recess be stated separately and the part that then the Senate shall proceed to the consideration of unobjected bills be stated separately. I do not think that both can be included in one motion.

The VICE PRESIDENT. The Chair overrules the point of order, but the Chair sustains the contention of the Senator from Connecticut wherein he asks for a division of the motion. The first question is, therefore, will the Senate at not later than 6 o'clock take a recess until 8 o'clock p. m.?

The motion was agreed to.

The VICE PRESIDENT. The second question is, Will the Senate at 8 o'clock proceed to the consideration of unobjected bills on the calendar under Rule VIII?

Mr. JONES. I understand under that motion if any bill is objected to it will not be considered.

Mr. GALLINGER. That is right.

Mr. JONES. Is that correct?

The VICE PRESIDENT. That is clearly what the motion implies. The question is on agreeing to the motion.

The motion was agreed to.

#### HEARINGS BEFORE THE COMMITTEE ON INDIAN AFFAIRS.

Mr. WILLIAMS. I desire out of order to make a report from the Committee to Audit and Control the Contingent Expenses of the Senate, and I ask unanimous consent for its immediate consideration. I especially call the attention of the Senator from Wisconsin [Mr. LA FOLLETTE] to it.

The VICE PRESIDENT. Is there objection?

Mr. TOWNSEND. That is a proposition to allow the Committee on Indian Affairs to proceed with hearings. I can not object to it.

The resolution (S. Res. 521) was read, considered by unanimous consent, and agreed to as follows:

Resolved, That the Committee on Indian Affairs, or any subcommittee thereof, be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary to report such hearings as may be had on the pending Indian appropriation bill, such stenographer to be paid at a rate not exceeding \$1 per printed page; and the expense thereof to be paid out of the contingent fund of the Senate.

#### DISTRICT OF COLUMBIA APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19422) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916, and for other purposes.

Mr. GALLINGER. Mr. President, I would be glad to have the attention of the Senate for a moment. During the debate on the so-called half-and-half principle, I suggested that at the



proper time I would offer an amendment to the bill providing for a joint committee of the two Houses to carefully inquire into and report to Congress on that controverted question.

Mr. President, I am entirely aware of the fact that a point of order will lie against the amendment; but I want to appeal to the Senate not to make a point of order, and let us take up this matter deliberately and carefully and see if we can not adjust it to the satisfaction of all parties. For that reason I offer the following amendment.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. On page 91, after line 4, insert a new section, to read as follows:

SEC. — That a joint select committee shall be appointed, consisting of three Senators, to be appointed by the presiding officer of the Senate, and three Members of the House, to be appointed by the Speaker of the House of Representatives, whose duty it shall be to prepare and submit to Congress a statement of the proper proportion of the expenses of the government of the District of Columbia, or any branch thereof, including interest on the funded debt, which shall be borne by said District and the United States, respectively, together with the reasons upon which their conclusions may be based; and that said committee be further authorized and directed to investigate the tax laws applicable to the District of Columbia, together with all questions relating to the classes and kinds of property taxable thereunder, as well as all questions relating to the basis and rates of taxation of such property, with a view to any necessary change in or revision of said laws, and that said committee shall make report of its findings and recommendations to Congress at the beginning of the next regular session. In the discharge of the duty hereby imposed said committee is authorized to employ such assistance as it may deem advisable, at an expense not to exceed the sum of \$5,000, and said sum, or so much thereof as may be necessary, is hereby appropriated for that purpose.

Mr. WORKS. Mr. President, reserving the right to make a point of order, I should like to ask the Senator from New Hampshire whether all the information that is recited in this amendment may not easily be obtained by the respective committees on the District of Columbia of the two Houses?

Mr. GALLINGER. I am not qualified to answer that question. I am not a member of the Committee on the District of Columbia, and I do not know whether that committee is disposed to take up this great question or not. Probably the Senator, who is a member of the committee, could answer better than I can.

Mr. WORKS. So far as the Senator from California is concerned, I feel that that committee is perfectly competent to deal with the matter and take it up. I am not in favor of creating unnecessary commissions. We have enough of them already. If the Committees on the District of Columbia can ascertain all these facts, I should think it would be much better done in that way rather than to create a new commission. If I could be assured that it was necessary that such a committee should be appointed, I then would not make the point of order.

Mr. GALLINGER. My thought, I will say to the Senator, was that if both Houses of Congress were represented on the committee, they would be more likely to work out a plan that would be agreeable to both Houses of Congress. That was one; in fact, it was perhaps the predominant feeling I had in mind.

Mr. SHAFROTH. Mr. President, I hope the Senator from California will not make the point of order, because if we consider this amendment we can offer any amendment to the amendment which we may desire. I wish to say that the objection to the proposition which was made, of 40 per cent and 60 per cent, came from people who said we ought to investigate before we determined upon a ratio. It seems to me to be fair, inasmuch as those proportions were defeated, that we should have a commission of some kind, whether it consists of members of the committee or whether it consists of others it is immaterial to me; but it appears to me, in view of the opposition that was made, we ought to have a commission of some kind.

Mr. WORKS. I am not objecting to a proper investigation of this question. I entirely agree with the position of the Senator from New Hampshire that this matter should be properly investigated and this question settled once for all. I said as much when the half-and-half question was under discussion in the Senate. My only doubt about it is whether it is necessary to appoint an independent commission for the purpose, but if the Senate desires to have the matter settled in that way I shall not make the point of order.

Mr. GORE. Mr. President, I gave notice the other day that I would offer a substitute for the pending amendment. I desire now to offer it. I have made some changes in it, which are indicated in the print I send to the desk.

The VICE PRESIDENT. The Senator from Oklahoma offers an amendment to the amendment, which will be read.

The SECRETARY. As a substitute, on page 91, after line 4, insert:

SEC. — That there is hereby created a commission, which shall consist of nine members, three of whom shall be Members of the Senate and appointed by the President thereof, three of whom shall be Members of the House of Representatives and appointed by the Speaker thereof, and three of whom shall be appointed by the President of the United States. The latter three shall be authorities upon

the subjects of taxation and public utilities, and at least one of them shall be a resident of the District of Columbia. It shall be the duty of such commission—

(a) After thorough investigation to report to the Congress, on or before the first Monday in December, 1915, a system of scientific and equitable taxation for the District of Columbia, having due regard for the principles of reciprocal justice as between the people of the District and the General Government.

(b) After an original investigation, or after conference with the Public Utilities Commission of the District, the Interstate Commerce Commission, and other authorities, to report to the Congress on or before the first Monday in December, 1915, as to the original cost of the public utilities in the District of Columbia, the cost of reproduction thereof, and their present value and capitalization, and also as to the cost and advisability of the public ownership of such utilities, taking into account the possibility of developing water power on the Potomac.

SEC. — That the commission created by the preceding section shall have the power to sit during the sessions or recesses of Congress, to subpoena witnesses and compel their attendance, to administer oaths, to compel the production of books and papers, to employ all needful assistants and to fix their compensation, to keep a record of its proceedings, and to do all other acts and things necessary to the full discharge of the duties prescribed and imposed upon them by the preceding section.

SEC. — That the members of said commission appointed by the President of the United States shall receive compensation at the rate of \$7,500 per year, and the payment of such salaries and all other expenses shall be made upon the presentation of itemized vouchers, approved by the chairman of the commission, and the sum of \$30,000, to be paid out of any money in the Treasury not otherwise appropriated, is hereby appropriated to defray the expenses of said commission.

Mr. GALLINGER. Mr. President, a single observation upon the amendment to the amendment. It is a very comprehensive proposition, and it includes matters that are now being attended to. We have a Public Utilities Commission clothed with abundant authority to do all sorts of things, so far as the public utilities of this District are concerned. They are now valuing the property, and they have, I know, one expert to whom they have been paying a hundred dollars a day and several other experts to whom they are paying probably less compensation. I do not think this commission, that really has to do with the relations between the Government and the District of Columbia as to the matter of taxation, ought to be asked to duplicate that work which is now under way.

Again, I think the membership of the commission is larger than necessary, as contemplated by the substitute, calling into the work two men from outside the District of Columbia, making it a commission of nine members with the powers that are given in that amendment. I am pretty sure that it would result in confusion worse confounded and that no result would follow. I hope the substitute may not be agreed to.

Mr. VARDAMAN. Mr. President, I dislike to go contrary to the express desire of my good friend, the distinguished Senator from New Hampshire [Mr. GALLINGER], but I think we have enough commissions, and I see no special good to come from the creation of this one. I therefore shall make the point of order against this amendment that it is legislation on a general appropriation bill.

The VICE PRESIDENT. The Chair will be compelled to sustain the point of order.

Mr. GALLINGER. Does the Senator make a point of order against both propositions?

Mr. VARDAMAN. Yes, sir; the whole proposition.

Mr. GALLINGER. That ends it. I have done my duty so far as that matter is concerned.

I have now another proposed amendment that is doubtless subject to a point of order, and I will say, as I said about the amendment just ruled out, that I trust no Senator will make a point of order against it. There is a balance belonging to the District of Columbia—the amount I can not state definitely. It will be increased largely by the close of the present fiscal year, and I think it ought to be disposed of. Senators on both sides of the Chamber have said to me that they thought some disposition ought to be made of it. If no action is taken, it will remain in the Treasury of the United States to the credit of the District of Columbia without drawing interest or doing anybody any good.

There is a funded debt of \$7,000,000, due jointly, or at least jointly owed, by the Government and the District of Columbia. It has seemed to me, and it has seemed to others as well, that whatever surplus funds there are at the present time or that may accrue at the end of the fiscal year ought to be applied to a portion of that debt that is due by the District of Columbia. For that reason I offer this amendment, hoping that it may be agreed to.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. Add after the numerals in line 13, page 63, the following proviso:

Provided, That any balance of revenues of the District of Columbia remaining to its credit after its share of the appropriations contained in this act has been paid, and after its share of any other appropria-



tions to which it is required to contribute in the fiscal year ending June 30, 1916, has been paid, is hereby appropriated for interest and sinking fund for application on account of the District's one-half of its funded debt under the provisions of the act approved June 20, 1874, and acts amendatory thereto.

Mr. VARDAMAN. I do not like to object, because I have not had an opportunity to investigate it. I should like very much, if the bill is not going to be disposed of this afternoon, that the matter go over until morning.

Mr. SMITH of Maryland. I am very desirous that the bill shall be completed this afternoon. I will say to the Senator there is no difficulty about completing it between now and 6 o'clock.

Mr. VARDAMAN. Has the committee considered it?

Mr. SMITH of Maryland. The committee did consider it, but we felt that, with a great many improvements under way and others that should be made in the District of Columbia, it would be well to wait a while and see whether the money should go to the funded debt or should be used in the city of Washington.

Mr. VARDAMAN. I personally am not ready to vote on the amendment. I do not like to make the point of order against it, because I am not familiar with it. I do not want to defeat a meritorious measure, if it should be a meritorious measure.

Mr. GALLINGER. I suggest that the amendment be passed over for the present.

Mr. JAMES. That need not be done, Mr. President, if the Senator will permit me. I am for the House provision in the bill which applies this sum of \$2,000,000 in excess of the one-half to the defrayment of the expenses of the District of Columbia. Therefore I make the point of order against the amendment.

Mr. GALLINGER. Mr. President, I have again done my duty.

Mr. JAMES. I have done mine.

The VICE PRESIDENT. The Chair sustains the point of order.

Mr. GALLINGER. I think the House provision has as much to do with this amendment as some provision in last year's almanac.

Mr. JAMES. That may be true; but if the House provision stays in the bill you will not have \$2,000,000 to pay on any debt. That certainly is a little clearer than last year's almanac.

Mr. GALLINGER. But we will have a balance.

Mr. JAMES. We will take care of that when it occurs.

Mr. GALLINGER. I have no doubt you will. You tried to take care of it last year by turning it into the Treasury of the United States.

Mr. SMITH of Maryland. All the committee amendments have been disposed of.

Mr. POMERENE. I send to the desk the following amendment.

The VICE PRESIDENT. The amendment of the Senator from Ohio will be stated.

The SECRETARY. Insert as a new section the following:

That section 1608 j of the act of Congress entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended by the act of Congress approved February 23, 1905, be, and the same is hereby, amended to read as follows:

"SEC. 1608 j. That said jury shall assess, as benefits accruing by reason of said opening, extension, widening, or straightening, an amount equal to the amount of damages, as ascertained by them as hereinbefore provided, including \$5 per day for the marshal and \$5 per day for each juror for the services of each when actually employed, and all other expenses of such proceedings upon each lot or part of lot or parcel of land in the square or block in which said alley or minor street is to be opened, extended, widened, or straightened, and upon each lot, part of lot, or parcel of ground in the squares or blocks confronting the square in which such alley or minor street is to be opened, extended, widened, or straightened which will be benefited by such opening, extension, widening, or straightening, in the proportion that said jury may find said lots, parts of lots, or parcels of land will be benefited: *Provided, however,* That wherever the Commissioners of the District of Columbia, under the foregoing provisions, shall institute proceedings for the widening or extension of any alley so as to convert said alley into a minor street through the square in which said alley is located, such an amount of the total amount of damages as ascertained by the jury, as hereinbefore provided, including \$5 per day for the marshal and \$5 per day for each juror for the services of each when actually employed, and all other expenses of such proceedings, shall be assessed by the said jury as benefits, and to the extent of such benefits upon each lot or parcel of land in the square or block in which such alley is to be converted into a minor street, and upon any and all other lots, pieces, or parcels of land which the jury may find will be benefited by the said widening or conversion of said alley into such minor streets, as the said jury may find said lots or parts of lots, pieces, or parcels of land will be benefited; and in determining the amount to be assessed against such lots or parts of lots, pieces, or parcels of land the jury shall take into consideration the respective situations and topographical conditions of such lots or parts of lots, pieces, or parcels of land, and the benefits and advantages they may severally receive from the said widening or conversion of such alley into such minor street."

Mr. STONE. Mr. President, this may be meritorious legislation; I am not sufficiently familiar with the subject to have an

opinion as to that, at least a very definite opinion. The fact that it is proposed by the Senator from Ohio [Mr. POMERENE] would seem to warrant the belief that it is meritorious, but it is general legislation being proposed to this appropriation bill, and on yesterday—

Mr. POMERENE. Will the Senator, before interposing an objection, permit me to make a brief explanation of the amendment?

Mr. STONE. Certainly.

Mr. POMERENE. I feel that it is of such consequence that the Senator would not interpose an objection merely because it was general legislation. I offer this amendment in connection with what is known as the alley problem in this city. It was only offered by myself after a conference with the Senator from Washington [Mr. JONES].

If Senators will notice the amendment down to the proviso, it is simply the law as it exists in the District to-day. Under section 1608j, it was held by the United States Supreme Court in Two hundred and fifth United States, on page 135, that it was possible, under a given state of facts, that the section itself might be held to be unconstitutional for the reason that under the old section the assessments must be upon the parcels of land in the square or block—

Upon each lot, part of lot, or parcel of ground in the squares or blocks confronting the square in which such alley or minor street is to be opened, extended, widened, or straightened.

With the statute limited, as it is, it is possible that the assessment upon the lot might amount to more than the value of the lot upon which the assessment is made. We propose by the proviso contained in this amendment to authorize the jury to make the assessment upon other lots, pieces, or parcels of land which the jury may find to be benefited.

We are anxious to take up the settlement of this alley question, and we have thought that, if some of the alleys could be widened and opened up, some of this property might be still continued as available for residential purposes. Under the bill which we passed and which was approved by the President on September 25, 1914, it will be unlawful to occupy some of these alleys for residential purposes after July 1, 1918. That will necessitate the making of arrangements for places of habitation for some of the poor people who are now living in the alley districts. If by condemnation proceedings we can open up these alleys to the width required by the act of September 25, 1914, we can assist in the solving of this problem. It is for this reason that we seek to modify the law providing for assessments.

Mr. STONE. Mr. President, I am very reluctant to stand in the way, if I can stand in the way, of what the Senator from Ohio desires, but I feel constrained to make the point of order that this is general legislation on an appropriation bill. Before the Chair may rule upon it, however, and while the question is pending, if the Senator from Ohio will permit me to make the motion, I think that, as it is now half past 5 o'clock and we are to take a recess at 6 o'clock, we had better now go into executive session.

Mr. GALLINGER. I think so, too.

Mr. POMERENE. Mr. President, I have no objection to having this matter go over until the morning. Meanwhile, I trust the Senator from Missouri will change his mind.

Mr. BURTON. Mr. President, will my colleague yield for a question?

Mr. POMERENE. Certainly.

Mr. BURTON. Is it contemplated under this proposed amendment that all the cost of widening or otherwise reforming these alleys shall be assessed against property in the vicinity, the near neighborhood, or does the general fund pay a part of that?

Mr. JONES. Will the Senator from Ohio yield to me?

Mr. POMERENE. I prefer to allow the Senator from Washington to answer the question, because I have not investigated that matter.

Mr. JONES. I will say that this does not propose to take anything out of the general fund, but it provides that the damages shall be assessed for benefits upon all the property that is benefited.

Mr. BURTON. Is it not a very questionable proceeding to take it for granted that property in the neighborhood is benefited to the extent of the cost of the improvement? The usual practice, I may say, in regard to the assessment of benefits is to make the basis the actual addition to the value of the property.

Mr. JONES. No property pays any more than it is supposed to be benefited.

Mr. BURTON. But suppose that the cost be greater than the benefits?

Mr. JONES. The assumption is that the whole benefit will balance the damages. The benefit is not confined to the immediate property. That is one difficulty with the law as it is now;



it requires the assessment of damages as benefits to squares facing the property opened, and the Supreme Court has held that that can not be worked out. In a case in that court it has been held that nothing more than the benefits can be assessed, and as the benefits which were assessed did not offset the damages the assessment was held invalid; but it was suggested in the decision that benefits could be assessed upon property other than that immediately facing the improvement.

Mr. BURTON. Then there would be no limit; they might go a very long distance.

Mr. JONES. Certainly; and they ought to go a very long distance in this case. This is a peculiar situation, and not like opening an ordinary street, and I am satisfied, if the Senator can have an opportunity of investigating it, he will not make any objection to the amendment. I hope that if it goes over, as suggested by the Senator from Missouri, an opportunity will be given us to explain it fully. If such an opportunity is given, I shall be very glad to endeavor to explain the matter.

Mr. BURTON. Upon the presentation of the amendment I should very much question its validity.

Mr. STONE. Mr. President, I move—

Mr. JONES. I hope the Senator will not make the point of order now.

Mr. STONE. I am not making a point of order.

Mr. JONES. Very well.

#### EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate took a recess until 8 o'clock p. m.

#### EVENING SESSION.

The Senate reassembled at 8 o'clock p. m. on the expiration of the recess, and was called to order by the Presiding Officer [Mr. ASHURST].

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The Senator from New Hampshire suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Owen	Smith, Ga.
Bryan	Jones	Page	Smoot
Chamberlain	Kenyon	Pomerene	Swanson
Clapp	Kern	Robinson	Townsend
Fletcher	Lane	Sheppard	Vardaman
Gallinger	Overman	Simmons	

The PRESIDING OFFICER. Twenty-three Senators have answered to their names. A quorum of the Senate is not present.

Mr. GALLINGER. Let the list of absentees be called, Mr. President.

The PRESIDING OFFICER. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, and Mr. WALSH answered to his name when called.

Mr. CHILTON, Mr. LEA of Tennessee, Mr. HUGHES, Mr. BRADY, and Mr. OLIVER entered the Chamber and answered to their names.

The PRESIDING OFFICER. Twenty-nine Senators have answered to their names. A quorum is not present.

Mr. KERN. I move that the Senate adjourn.

The motion was agreed to; and (at 8 o'clock and 11 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 15, 1915, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate January 14, 1915.*

##### RECEIVERS OF PUBLIC MONEYS.

Frank F. Steele, of Helena, Mont., to be receiver of public moneys at Helena, Mont., vice George O. Freeman, term expired and resigned.

Blair E. Hoar, of Orofino, Idaho, to be receiver of public moneys at Lewiston, Idaho, vice Benjamin C. Barbor, term expired.

##### REAPPOINTMENT IN THE ARMY.

##### JUDGE ADVOCATE GENERAL'S DEPARTMENT.

Brig. Gen. Enoch H. Crowder, Judge Advocate General, to be Judge Advocate General with the rank of brigadier general for

the period of four years beginning February 15, 1915, with rank from February 15, 1911. His present appointment will expire February 14, 1915.

#### APPOINTMENTS IN THE ARMY.

##### GENERAL OFFICER.

Col. William A. Mann, Third Infantry, to be brigadier general from January 20, 1915, vice Brig. Gen. Eli D. Hoyle, to be retired by operation of law on January 19, 1915.

##### CHAPLAIN.

Rev. Adolf John Schliesser, of Louisiana, to be chaplain with the rank of first lieutenant from January 8, 1915, vice Chaplain George H. Jones, Coast Artillery Corps, retired from active service September 17, 1914.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate January 14, 1915.*

##### POSTMASTERS.

##### VIRGINIA.

H. C. Humphrey, Remington.

Laura Lee Keeler, Middleburg.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, January 14, 1915.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Merciful God, the helper of all who truly seek Thee, give us the hearing ear, the believing heart, that the worship of this moment may strengthen and guide our spirits through the changing scenes of this day, that we may conscientiously act our part, leaving the results to Thee who doeth all things well.

Our hearts go out in sympathy to the stricken people of Italy, visited by an earthquake with its destructive and terrifying results. May it bring the world closer together in the bonds of brotherhood and give relief to the stricken people not only in sympathy but in real help in the hour of distress.

Hear us in the name of Him who taught us brotherly love and gave to the world a Father in heaven who loves His children with an everlasting love, and all praise shall be Thine forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

##### BRITISH NAVAL GUNS.

Mr. HAY. Mr. Speaker, I present a privileged report on a privileged resolution from the Committee on Military Affairs.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Report on House resolution 698, directing the Secretary of War to send to the House of Representatives certain information.

Mr. HAY. Mr. Speaker, I ask for a vote on the resolution.

Mr. MANN. Let us have it read first.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

House resolution 698 (H. Rept. 1279).

*Resolved*, That the Secretary of War is directed, if not incompatible with the public interest, to send to the House of Representatives the following information:

1. Is there any gun mounted in the fortifications of the United States proper larger than 12 inches in diameter? If so, where?
2. Is the range of those 12-inch guns as at present mounted more than 13,000 yards?
3. Are the British dreadnaughts of the *Queen Elizabeth* type being equipped with 15-inch 45-caliber guns?
4. Is the range of those 15-inch guns 21,000 yards; and is it not true that that range exceeds by over 4 miles the range of the best guns mounted in the defense of the United States proper, either on the Atlantic or Pacific coast, and including the Panama Canal.

The SPEAKER. The Clerk will read the report also.

The report was read as follows:

The Committee on Military Affairs, to whom was referred House resolution 698, having considered the same, report thereon with a recommendation that it do pass.

Mr. BUTLER. I suppose the world possesses this information which this resolution asks for, and therefore it is not dangerous to vote for it?

Mr. HAY. Yes; the Secretary of War has furnished to the gentleman from Massachusetts [Mr. GARDNER], who introduced this resolution, the information which this resolution calls for. Mr. Speaker, in connection with the resolution and at the request of the gentleman from Massachusetts, I ask that he be allowed to extend his remarks in the RECORD on the general subject of the national defense.